Harper's Stereotype Edition.

CICERO.

THE ORATIONS TRANSLATED BY DUNCAN,
THE OFFICES BY COCKMAN,
AND THE CATO AND LÆLIUS BY MELMOTH.

IN THREE VOLUMES.

VOL. II.

NEW-YORK:

PRINTED AND PUBLISHED BY J. & J. HARPER,
NO. 82 CLIFF-STREET,
AND SOLD BY THE PRINCIPAL BOOKSELLERS THROUGHOUT THE
UNITED STATES.

1833.

CONTENTS

OF

THE SECOND VOLUME.

THE ORATIONS.

"Duncan's Cicero is well known as an elegant translation of more than ordinary merit."—MONTHLY REVIEW

ORATION X.—FOR MARCUS CŒLIUS

ARGUMENT.

Marcus Cœlius was a young gentleman of equestrian rank, of a fine genius, and great accomplishments, trained under the discipline of Cicero himself; to whose care he was committed by his father, on his first introduction into the forum—Before he was of age to hold any magistracy, he had distinguished himself by two public impeachments; the one, of C. Antonius, Cicero's colleague in the consulship, for conspiring against the state; the other, of L. Atratinus, for bribery and corruption—Atratinus's son revenged his father's quarrel, and accused Cœlius of public violence, of being the friend of Catiline, of being concerned in the assassination of Dion, the chief of the Alexandrian embassy, of an attempt to poison Clodia, the sister of Clodius, a lady of an infamous character, and of several other crimes—Cœlius had been Clodia's gallant, and her resentment for his slighting her favours was the real source of all his trouble—In this oration, which was made A. U. C. 697, and the fifty-first of Cicero's age, he is defended by Cicero, and was acquitted.

If it should happen, my lords, that there is any one present who is unacquainted with our laws, our judicial proceedings, and the forms of our courts, it must certainly be matter of surprise to such a person, what can render this cause of so very heinous a nature that it alone should be tried on festival days, during the celebration of public sports, and a total suspension of business in the forum; and he will undoubtedly conclude that the accused is charged with crimes of so atrocious a nature, that not to inquire into them would be to overturn the state. When this person shall be told that there is a law for bringing to trial on any day such seditious

and profligate citizens as have in arms beset the senate, offered violence to the magistrates, or made an attack on the commonwealth, he may still, without disapproving the law, desire to know what crime it is that is trying. And when he is informed that there is no crime depending, no audacious enterprise, no act of violence, but that a young man of distinguished genius, application, and interest is accused by one whose father has been for some time past, and is at this present time, under prosecution* at his instance; that he is attacked by the power of a base woman: he will not blame the piety of Atratinus, will think that a check ought to be given to female wickedness, and will look on yours as a laborious office, who, even during a season of general festivity, can have no relaxation. If, my lords, you consider this whole cause attentively, and form a proper judgment concerning it, you must conclude that no one would have been an accuser in it but by constraint; nor, if he had, would have entertained any hopes of success, but from the intolerable humour and furious resentment of some other person. But I pardon Atratinus, who is a young man of great humanity and virtue; my friend; and may plead piety, necessity, or age, in his excuse. If he accused Cœlius voluntarily, I impute it to filial piety; if by command, to necessity; if from hopes of success, to youth. The other accusers must not only not be pardoned, but they must be opposed vigorously.

Now, my lords, the youth of Cœlius seems to me to require that I open my defence by replying to what his accusers have advanved in order to stain his character, to detract from, and deprive him of his dignity. His father is differently represented; either as not making a genteel figure in life, or as

* Cœlius had some time before impeached L. Atratinus, the father, for bribery, of which he was acquitted; and had now brought him to a second trial.

being disrespectfully treated by his son. As to the figure his father makes, I need say nothing; old Cœlius himself, to such as know him, and are advanced in years, without opening his mouth, is a sufficient reply. With regard to those who have had but few opportunities of knowing him, as his years have long since obliged him to leave off coming to the forum, let such know, that whatever dignity the character of a Roman knight can admit of, and surely it can admit of the greatest, has ever been thought to be displayed by M. Cœlius in its highest lustre, and is still, not only by his own relations, but by all who have had occasion to know him. That Cœlius is the son of a Roman knight should never have been urged by the prosecutor as an accusation, when you, my lords, were on the bench, or I at the bar. As to what you have alleged in regard to his piety, we may indeed give our opinion, but it belongs surely to his parents to determine concerning it. What our sentiments are, you will hear from the evidences on oath; what those of his parents are, is evident from the tears and inexpressible sorrow of his mother, from that air of dejection in the countenance of his father, and that mourning habit wherein you see him appear. It is further objected that this young man is not agreeable to his fellow-citizens: in regard to this, the inhabitants of Puteoli never bestowed greater honours on any one when present than they have on M. Cœlius when absent; they have, in his absence, enrolled him into their highest order,* and conferred on him, unasked, what they have denied to the solicitations of many; they have likewise sent to this trial persons of the greatest distinction, both senators and Roman

* The municipia were commonly corporations, or enfranchised places, where the natives were allowed the use of their old laws and constitutions, and at the same time honoured with the privilege of Roman citizens. They had a little senate, which they called court, and the senators were called decurions. It was into this order Cœlius is here said to have been enrolled.

knights, with the strongest and fullest recommendations. Methinks I have now laid the ground-work of my defence, and a strong one it is, if it rests on the judgment of those with whom Cœlius is most intimately connected. Nor could his age have sufficiently recommended him to your favourable regards, had he fallen under the displeasure not only of such a father, but of so worthy and illustrious a corporation.

To return to myself: from this source it is that my reputation flows: my labours at the bar, and the course of life in which I am engaged, have diffused themselves wider among mankind in consequence of the praises and judgment of my friends. As to what is urged against him by all his accusers in regard to chastity, supported indeed, not by facts, but mere assertions and slander, Cœlius will never feel it so sensibly as to regret that he was not formed ugly by nature; for such scandal is common against all who have been distinguished in their youth by a graceful air and a genteel figure. But to scandalize is one thing, and to accuse another. An accusation requires a crime, and this crime must be fixed; it must mark out the person, be proved by arguments, and confirmed by evidences: scandalizing has nothing in view but contumely; which, if it is urged with petulance, becomes abuse; if pleasantly, polite raillery. I was indeed surprised, and not a little concerned, that this part of the accusation should chiefly fall to Atratinus; for it was not a part that became him, nor was it proper for his age; and, as you might have observed, the modesty of the worthy youth would not allow him to treat a subject of so indelicate a nature. I wish some of you veterans had undertaken this province, I should then have given a check to that wantonness of scandalizing with more strength and freedom, and more in my usual way: with you, Atratinus, I shall deal more softly, both because your modesty is a restraint on

me, and because I think it my duty to preserve my friendship for you and your father. Thus much, however, I would put you in mind of; in the first place, to entertain a just sense of your own real character, and to keep as great a distance from all indecent freedom of speech as you do from every thing that is base and indecent in action: and, in the next place, never to charge another with what would make yourself blush, were you charged with it unjustly: for who is there that may not tread the path of scandal? who that may not, with what petulance he pleases, scandalize such youth; and, how blameless soever, make it in some measure appear guilty? But the blame of what part you have in this accusation must fall on those who imposed it on you: to the praise of your modesty be it said, that we saw you speak with reluctance; and to that of your genius, that you spoke with elegance and politeness.

There is, however, a short answer to all this: for as long as the age of Cœlius exposed him to such suspicions, it was guarded first by his own modesty, and then by the vigilance and instruction of his father, who, as soon as he gave him the manly gown (I shall say nothing here of myself; my character is submitted to you; but this I will say), brought him directly to me.* No one saw this M. Cœlius in that bloom of life, but either in company with his father or with me, or in the chaste

* Of all people, the Romans were the most exact and careful in the education of their children. When young gentlemen had finished the course of their puerile studies, it was the custom to change the habit of the boy for what they called "the manly gown;" on this occasion they were introduced into the forum with much solemnity, attended by all the friends and dependants of the family; and, after divine rites performed in the capitol, were committed to the special care of some eminent senator, distinguished for his eloquence or knowledge of the laws, to be instructed by him in the conduct of civil affairs, and to form themselves by his example for useful members and magistrates of the republic. Thus Cœlius was placed under the care of Cicero, who had himself, as we are told in his piece on Friendship, been placed under that of Scævola, the principal lawyer, as well as statesman, of that age.

house of M. Crassus, where he was instructed in the most liberal arts. As to the familiarity with Catiline which is objected to Cœlius, there is not the least ground for such a suspicion. When he was a lad, you know that Catiline stood with me for the consulship: if at that time he ever kept him company, or if ever he left me (though many worthy young men were attached to that wicked and abandoned fellow), then let him be thought to have been too familiar with Catiline. We know, however, that he was afterward among the friends of Catiline, and saw him among them. Who denies it? But I am only defending that period of life, which of itself is naturally weak, and liable to be infected by the vices of others. During my pretorship he was constantly with me, and did not know Catiline, who was then pretor in Africa. The year following, Catiline was tried for extortion; Cœlius was with me, and did not even appear in court for him as a friend. The year after, I stood for the consulship; so did Catiline: Cœlius was never seen with him; from me he never departed.

Having therefore frequented the forum for so many years without suspicion, without infamy, he attached himself to Catiline, who stood again for the consulship. How long then do you think that youth is to be watched? A year was formerly allowed us to learn to keep the arm within the gown, and to perform our exercises and diversions in the field of Mars in our tunics. The same discipline was observed in the camp and in all military operations, when we began to carry arms. During that period, no one could avoid real infamy, whatever care was taken of him by his friends, who had not a decency and gravity of behaviour to defend his character, and, together with the advantages of private institution, a kind of natural bias to virtue. But whoever passed this early part of life with honour and without reproach, when he grew up, and lived as a

man among men, no reflections were ever heard against his reputation or chastity. Cœlius favoured Catiline, after frequenting the forum for several years: why, this was no more than what many others did of every rank and of every age; for Catiline, as I suppose you remember, had many sketches, though not finished pictures, of the greatest virtues: he was familiar with many profligate fellows, and yet affected to be devoted to men of the greatest worth. His house furnished out several temptations to lewdness, and at the same time several incentives to labour and industry; it was a scene of vicious pleasures, and at the same time a school of martial exercises. Nor do I believe there was ever such a monster on earth, compounded of inclinations and passions so very different, and so repugnant to each other.

Who was ever more agreeable at one time to the most illustrious citizens? Who more intimate at another with the most infamous? At one time, what citizen had better principles? And yet, who a fouler enemy to Rome? Who more intemperate in pleasure? Who more patient in labour? Who more rapacious in plundering? Who more extravagant in squandering? Yet, this man, my lords, had a surprising faculty of engaging many to his friendship, and fixing them by his observance: sharing with all of them whatever he had, serving them with his money, his interest, his labour, and, if occasion required, by the most daring acts of wickedness; fashioning his nature according to his purposes, bending and turning it every way at pleasure; living with the morose, severely; with the free, merrily; with the aged, gravely; with the young, cheerfully; with the enterprising, audaciously; with the vicious, luxuriously. By such a variety and complication of character, he had got together from every country all the profligate and audacious, and yet preserved the friendship of many brave and worthy men by the specious

show of a pretended virtue; nor could he ever have made so wicked an attempt to destroy our government, had not the so great enormity of his many vices had some support from a flexibility and hardiness of temper. Let that part of the accusation then, my lords, be rejected; nor let familiarity with Catiline be any more urged as a crime; for it is common to Cœlius with many others, and even some very worthy men. There was a time when I myself, I say, when I was almost deceived by him; when he appeared to me a good citizen, an admirer of every worthy man, a firm and faithful friend. I was not convinced of his crimes till after I saw them; nor did I suspect them before I had felt them. If Cœlius made one of the great number of his friends, he has more reason to regret his mistake, as I sometimes do mine in regard to the same person, than to dread being charged with being the friend of Catiline.

Thus from bringing a scandalous accusation of an intrigue against Cœlius, you have proceeded to load him with the odium of being engaged in a conspiracy: for you have alleged, though not without hesitation, and in a superficial manner, that because he was the friend, he was therefore the accomplice, of Catiline: an accusation on which not only no crime could be founded, but scarce could the eloquent youth talk coherently when he urged it. Why all this fury in Cœlius? Whence this foul stain in his character and disposition, or distress in his circumstances and fortune? To add no more, where did Cœlius ever lie under such a suspicion? But I spend too much time in a matter so very evident: thus much, however, I will add, that if Cœlius had been engaged in that conspiracy, nay, if he had not held it in the utmost abhorrence, he would never have thought of recommending himself in his youth, by bearing a part in impeaching the conspirators. And I know not whether I may not return the same answer to

the charge against his ambition, and the crimes of his companions and associates, now that I am on that subject: for if Cœlius had brought a stain on his own character by plunging so deep into corruption, he would never have been so foolish as to accuse another of the same practices; nor would he have endeavoured to render another suspected of what he wished that he himself might always have the liberty of doing; nor would he have twice accused another of corruption, if he had thought that he himself was once to be tried for it: which, though he did both imprudently, and contrary to my inclination, yet such is his temper, that he chooses rather to attack the innocence of another than to seem afraid for his own. As to the debts which are objected to him, the expenses for which he is blamed, and the books of accounts which are demanded, my answer shall be very short. One who is under the direction of his father keeps no books of accounts: as to money, he has never borrowed any; and the only article of expense with which you charge him is his house, for which you say he pays thirty thousand sesterces a year. Now at last I see that the house of Clodius is to be sold, a small part of which Cœlius rents for ten thousand sesterces a year, as I imagine: but you, out of a desire of pleasing him, have made this lie to serve a present purpose. You blame him for taking a separate house from his father; a thing for which at this time of life he is far from being blameable. Having, in a public cause, gained a victory,* to me indeed disagreeable, but to himself glorious; and being of an age to stand for offices, his father not only allowed but advised him to leave his house; which being a great way off from the forum, he hired one at a moderate rent on

* What is here referred to is Cœlius's impeachment of Caius Antonius, Cicero's colleague in the consulship, and defended by him, but cast and banished.

the Palatium, that he might be nearer our houses, and that it might be more convenient for his friends to wait on him.

And here I may say what the renowned M. Crassus lately said, when complaining of king Ptolemy's arrival;* "O that never in the Pelian wood—." I might even go on with this poem; "never then had a wandering lady" given us this trouble; "a love-sick Medea," &c.: for you will find, my lords, when I come to speak on it, I shall prove that this Medea† of the Palatium, and the removal of this young gentleman, has been the cause of the evils he has suffered, or rather of all that has been alleged against him. Supported then by your wisdom, my lords, I am not afraid of what I find, from the words of the accusers themselves, to be nothing but fiction and contrivance: for they alleged that there will be a senator to give evidence that he was beaten by Cœlius at the election of pontiffs. If such a senator appears, I shall ask him, in the first place, why he did not immediately bring an action? In the next place, if he chose rather to complain than bring an action, why he did it rather at your instigation than of his own accord? Why he chose to complain so long after the thing happened, and not directly? If he answers these questions with shrewdness and subtlety, I shall then inquire from what source this senator flows? For if he springs from himself, I shall perhaps be moved, as usual; but if he flows,

* Ptolemy, king of Egypt, being driven out of his kingdom, went to Rome to beg help and protection against his rebellious subjects, who sent deputies after him, to plead their cause before the senate, and to explain the reasons of their expelling him; most of whom he contrived to have assassinated on the road before they reached the city. But it was objected to Cœlius that he had beaten these deputies at Puteoli; which part of the accusation, when Crassus, who had defended Cœlius before Cicero, was refuting, he complained of Ptolemy's coming to Rome, as being the remote cause of this part of the charge.

† Cicero here means Clodia, who lived on the Palatine hill. He humorously calls her Medea, because Atratinus, as we read in Fortunatianus, called Cœlius the beautiful Jason

like a rivulet, from the fountain-head of your accusation,* I shall rejoice that in a charge so powerfully supported, there can only one senator be found who is willing to oblige you. Neither am I afraid of that other tribe of night witnesses; for the accusers say they can produce citizens to prove that Cœlius meddled with their wives, as they were returning from supper. They must be persons of great wisdom who dare swear to such a fact as this; since they must confess that they did not so much as propose a reference for the redress of so great injuries.

But, my lords, you now understand the whole nature of this attack, and when it is made it will be incumbent on you to repulse it. Those who accuse M. Cœlius are not the persons that attack him: the darts are thrown at him publicly, but they are furnished in private. Nor do I say this with a view to bring an odium on those to whom it ought to do honour; they do their duty; they defend their friends; they act as men of spirit generally do: being injured, they complain; being provoked, they are in a passion; and, being attacked, they fight.† But though these brave men may have good reason for attacking M. Cœlius, yet your wisdom, my lords, is concerned not to think that you have therefore any reason to pay greater regard to their resentment than to your own honour. You see what numbers crowd the forum, and how different their views and dispositions are. Of all this multitude, how many do you imagine there are who, when they think that men of credit, power, and eloquence have anything to do, offer themselves, press their services, and promise their evidence? Should any of such a character thrust themselves into this trial, let your

* Cicero alludes here to Clodia, whom, by a beautiful metaphor, he calls the spring-head of the accusation.

† This probably refers to Atratinus, who was glad to have an opportunity of accusing Cœlius, in revenge for his having impeached Atratinus the father.

wisdom, my lords, check their forwardness; that you may seem at once to have consulted the safety of Cœlius, your own honour, and the interest of all our citizens, against the dangerous influence of power. I will indeed draw you off from testimonies, nor will I suffer the immutable justice of this cause to depend on the depositions of witnesses, which may be fashioned and influenced with the utmost ease. We shall deal in arguments, and shall refute their accusation with proofs clearer than the day: fact shall be opposed to fact, cause to cause, and argument to argument.

I am glad, therefore, that M. Crassus defended that part of his cause which relates to the seditions at Naples, the beating of the Alexandrian deputies at Puteoli, and the goods of Pallas, with so much force and eloquence. I wish he had likewise spoken to the affair of Dion.* Though in regard to that, what is there, that could be to your purpose, which he who committed the fact is either afraid of or denies? For P. Ascitius, who is accused of having been privy to the design, and to have assisted in it, was acquitted. When a crime therefore is of such a nature that he who committed it does not deny it, and he who does not deny it is acquitted, should that person be afraid of being condemned for it who not only did not commit it, but who was not even suspected of having had any knowledge of it? And if that prosecution did more service to Ascitius, than the hatred of his prosecutors did him harm, shall this scandal hurt the man on whom neither the suspicion nor the infamy of such an action ever fell? But it was owing to collusion, it will be said, that Ascitius was acquitted. This objection is very easily answered, especially by me, who defended that cause. But Cœlius thinks the cause of Ascitius a very good

* Dion was the chief of the Alexandrian embassy, and was assassinated by Ascitius, for which however he was acquitted.

one; nevertheless, of what kind soever it is, he is of opinion that it is very different from his own: nor does Cœlius only think so, but the Coponii, Titus and Caius, young men of the greatest politeness and learning, of the most honourable intentions, and best accomplishments, who, of all others, lamented the death of Dion most, being delighted both with his hospitality, and his learning and politeness. Dion, as you have heard, lived with L. Lucceius, to whom he was known at Alexandria. What his sentiments are concerning M. Cœlius, or those of his brother, a man of the greatest eminence, you may hear from themselves, if they are brought into court. Let these things therefore be set aside, that we may at last come to those on which the cause principally rests.

I observed, my lords, that you heard my friend L. Herennius very attentively; and though it was his wit, in a great measure, and a certain kind of eloquence that struck you; yet I was sometimes apprehensive lest this insinuating subtle method of accusation should gradually slide into, and take possession of your breasts: for he spoke much on luxury, much on lust, much on the vices, and much on the manners of youth; and he, who on every other occasion is so very gentle, and has so much of that engaging, humane, and agreeable manner that charms all mankind, was as rigid in this cause as an old guardian uncle, a censor, or a master: he reproved M. Cœlius more severely than ever a father did a son, and enlarged much on intemperance and incontinency. Do you ask me what I thought of it, my lords? I could not blame you for hearing it so attentively, though so severe and rigid a manner of speaking, I must confess, somewhat shocked myself. The first article of accusation, which did not give me great concern, was, that Cœlius was intimate with my friend Bestia; that he supped with him; was frequently at his house; and his friend, when he stood for the pretorship. These things, being evidently false, give me no con-

cern: for those whom he gives out to have supped with them are either absent or obliged to give the same evidence. Nor does it disturb me, when he says that Cœlius was his companion at the Lupercal games:* for the true Luperci are a savage, rustic, and truly clownish fraternity, whose meetings in the forests were instituted before laws or politeness took place among men: since they not only accuse each other, but mention the fraternity in their accusations, as if they were afraid lest any one should not discover them to belong to it. But all this I shall pass over, and reply to what gave me more concern. The censure he passed on the pursuit of pleasure was long, but gentle, and had more declamation in it than severity, so that it was heard the more attentively. As for my friend P. Clodius, he exerted himself indeed with great vehemence, seemed all on fire, spoke loud and with great acrimony; but I was under no great apprehensions from what he said, though I was pleased with his eloquence; for I had seen him in other causes wrangling to no purpose. But with your leave, Balbus, I will answer you first, if I may be allowed, if I may take on me to defend a man who never refused a banquet of any kind, who deals in perfumes, and who has been at Baiæ.†

I have seen and heard of many in this city, who, having not only just tasted this way of life, and, as we say, touched it with their fingers' ends; but having prostituted the whole of their youth to pleasure, have at last extricated themselves, become, according to the common saying, good husbands, and proved men of worth and eminence. Some diversions are allowed this age by all; and Nature herself bestows passions on youth with a lavish hand; which, in their

* The Lupercalia was a festival instituted in honour of Pan, brought out of Greece by Evander. It was celebrated on the fifteenth of February.

† Baiæ was in Campania, between Puteoli and Misenum. It was frequented, at certain seasons of the year, by people of fashion from all parts of Italy, being famous for springs of warm water, where they used to bathe.

sallies, if they endanger no one's life, demolish no one's house, are looked on as moderate and tolerable. But from the common vices of youth, you seemed to me to aim at bringing an odium on Cœlius. Accordingly, all that profound silence with which your speech was heard was owing to this, that our thoughts were led, from a single instance, to the general corruption of the times. But nothing is more easy than to bring a charge against luxury; and night would overtake me, should I attempt to advance whatever may be said on that subject: corruption of manners, adulteries, wantonness, and extravagance furnish out an ample field for declamation. To attack vice in general, without accusing any person, would be a copious and weighty subject. But your wisdom, my lords, is concerned not to lose sight of the accused, nor, when the prosecutor has given an edge to your severity and gravity against things, against vices, against immoralities, against the times, to point it against a man, against one who is accused before you, and who is brought under an unjust odium, not for any personal crime, but for the vices of the multitude. I dare not therefore return such an answer to your severity as it deserves; for I meant to intercede for youth, and to plead for some indulgence to their follies. I say, I dare not: I renounce the rights that are allowed to all; I shall not avail myself of the privileges of youth; all I desire is, that, if the contracting of debts, if arrogance, if youthful debaucheries lie at present under a general odium, as I see they do, the vices of others, nor the depravity of the times may be no prejudice to Cœlius. At the same time that I ask this, I am far from refusing to return an exact answer to the personal accusations that are brought against him.

He is charged with two, one concerning gold, another concerning poison; and both relate to the same person. It is said that gold was borrowed of Clodia, and that poison was prepared to give her.

Whatever else is advanced is only scandal, not accusation, and more proper for a scolding bout than a public trial. To call one an adulterer, a debauchee, a pimp, is to scandalize, not to accuse him; there is no ground for such accusations; they are abusive terms rashly thrown out by an angry prosecutor, without any foundation. As to these two charges, I see the source, I see the author, I see the true cause and principle of them. Cœlius wanted gold; he borrowed of Clodia; he borrowed it without witnesses, and kept it as long as he pleased: these are clear proofs of a great intimacy. He had a mind to kill Clodia; he looked out for poison; he solicited every person he could; he prepared it; he appointed the place; he brought it: here again I can perceive great hatred, with a most violent quarrel. In this cause, my lords, we have only to do with Clodia; a woman not only noble, but also well known; concerning whom I shall say nothing but what is necessary for refuting the accusation. But, Cn. Domitius, it is easy for one of your great discernment to see that our business is with her alone: if she says that she lent no gold to Cœlius, if she does not accuse him of having prepared poison for her, we are impertinent in mentioning the mother of a family in a manner different from what the honour of matrons requires. But if, setting Clodia aside, our adversaries will have neither an accusation to bring against Cœlius, nor any means left of attacking him, what else is incumbent on us who are his advocates, but to repulse those who attack us? And this indeed I would do with vigour, were it not for the animosity that subsists between me and that lady's husband;* I meant to say her brother; I always fall into that mistake. Now I will act gently, lest I exceed the bounds which my duty, and the cause I am defending, prescribe to me; for I have always thought it

* P. Clodius, an abandoned debauchee, is here meant.

incumbent on me to avoid being on bad terms with the ladies, especially with Clodia, who has always had the character of being rather good-natured to everybody, than an enemy to any.

But first I will ask herself, whether she would have me deal with her in a severe, solemn, old-fashioned manner, or in a soft, gentle, and courteous one? If in the austere manner, I must summon up from the shades some of those gentlemen with long beards, and not with such a young one as she is fond of; but with a rough one, such as we see in old statues and images, to reprove the lady, and speak in my stead, lest she should happen to be angry with me. Let one of her own family then rise up, and blind Appius rather than any other; for, as he cannot see her, his grief will be the less.* Were he to appear, he would behave thus, and address her in the following manner: "Woman! what is thy business with Cœlius? What with a boy? What with a stranger? Why were you either so intimate with him as to lend him money, or so much his enemy as to be afraid of being poisoned by him? Hast thou not seen thy father in the consulship, nor heard that thy uncle, thy grandfather, thy great-grandfather, and his father were consuls? Art thou ignorant that Q. Metellus was thy husband, a man of the greatest eminence and bravery, and a distinguished patriot, who no sooner appeared in a public character than he surpassed almost all his countrymen in glory, merit, and dignity? After being married into so illustrious a family, thyself, too, nobly descended, why was Cœlius so intimate with thee? Was he thy relation? thy kinsman? thy husband's intimate? He was none of all these. What then could be the reason, but indiscretion and love? If the images of the men of our family did not move thee, ought not my daughter,

* Appius Claudius was a famous orator and civilian, who lost his sight in the latter part of his life.

Q. Clodia,* to have excited in thy breast an emulation of her domestic virtues, the chief glory of a woman? Ought not that Clodia, the vestal virgin, who, embracing her father in his triumphal car, would not suffer a tribune of the people, who was his enemy, to tear him from it? Why dost thou imitate the vices of a brother, rather than the virtues of a father, a grandfather, of a whole family, from me downward, both males and females? Did I hinder my country from entering into a peace with Pyrrhus,† that you might daily enter into engagements of infamous amours? Did I supply the city with water,‡ that you might use it for the purposes of iniquity? Did I make a highway to be frequented by you and your gallants?"

But what is this I am doing, my lords? I have introduced so venerable a character, that I am afraid

* When Scipio Nasica went to meet the goddess Cybele, who was brought to Rome towards the end of the second Punic war, he was attended by such of the ladies of Rome as were in the highest veneration for their virtue. Some of the vestals likewise accompanied him, and particularly this Quinta Clodia; of whom it is related, that when the vessel on which the goddess was imported unfortunately struck on a bank of sand near the mouth of the Tiber, and neither the mariners, nor several yoke of oxen, were able to move it, she, pulling it only by her girdle tied to it, easily set it afloat. Clodia is said to have been suspected of incontinence; and it is added that this miracle was wrought in answer of her prayer to the goddess to give a testimony of her innocence.

† When Cineas was sent by Pyrrhus to the Roman senate with proposals of peace, he found several of the conscript fathers disposed to accept them. Appius, who had for some time retired from all public business, and confined himself wholly to his family, on account of his great age and the loss of his sight, on hearing the report of what passed in the senate, caused himself to be carried in the arms of his domestics to the senate-house, where, by an animated speech, he so awakened the Roman spirit in the senators, that without further debate they unanimously passed a decree, instantly to dismiss the ambassador with this answer: "That the Romans would enter into no treaty with King Pyrrhus so long as he continued in Italy; but with all their strength would pursue the war against him, though he should vanquish a thousand Lavinuses."

‡ The first invention of the Roman aqueducts is attributed to Appius, who brought water into Rome, A. U. C. 441, by a channel of eleven miles in length. He likewise built the famous Appian road, which took its name from him; a considerable part of this extraordinary work still remains, and though it has lasted above two thousand years, is, in most places, for several miles together, as entire as when it was first made.

lest the same Appius should turn against Cœlius of a sudden, and accuse him with his censorial gravity. But I shall speak to that by-and-by; and in such a manner, my lords, that I flatter myself I shall vindicate the character of M. Cœlius, to the satisfaction even of the severest judges. As for you, Clodia, for now I speak to you myself, without introducing a feigned character; if you think of proving your actions, your words, your accusations, your fictions, your affirmations, there is a necessity for your declaring the cause of this great familiarity, this great friendship, this great intimacy. Our accusers talk loudly of debaucheries, amours, adulteries, the baths, banquets, collations, songs, concerts, and pleasure-boats; while at the same time they give out that they say nothing without your directions. All this, as your violent and wayward humour has brought you into the forum and before the court, you must either disown and show to be false, or allow that no credit is due either to your accusation or your testimony. But if you would have me deal more courteously with you, I will do it thus: I will remove that rigid and almost savage old man, and make choice of one of these kinsmen of yours; your youngest brother rather than any other, who is perfectly polite in this way, who is very fond of you, who from an unaccountable kind of timidity, and being subject, I imagine, to fears in the night-time, has always lain with you, like a little master, as he is, with his elder sister! Suppose him then to address you thus: "Why do you make all this noise and bustle, sister? why are you in this fury? why do you swell such a trifle into a matter of importance by your clamour? You have cast your eyes on a young neighbour; his complexion, his figure, his air, his eyes have charmed you; you have been fond of seeing him often; you have been seen sometimes in the same gardens with him: a woman of your distinction, with all your riches you cannot engage him;

though still under the tuition of a griping stingy father, he spurns, he disdains, he slights your presents. Betake yourself to some other place: you have gardens nigh the Tiber, and have been at great pains to fit up an apartment near the place where all our youth go to bathe; from thence you may have an opportunity every day of gratifying yourself: why are you troublesome to one who despises you?"

I come now to you, Cœlius, in your turn, and assume the authority of a father; but I know not what father I shall personate: shall it be one of Cæcilius's* passionate, rigid fathers?—"Now my soul is all on fire, and my breast swells with passion:"—or, shall I assume the character of that other? "O wretch, O profligate!" These fathers have hearts of steel. "What shall I say? What shall I propose? Your infamous deeds defeat all my purposes." The reproofs of such a father would be almost intolerable: "Why did you go into the neighbourhood of a prostitute? Why, knowing her seducing charms, did you not retire? Why be familiar with another's wife? squander and dissipate your fortune: you may for me: if you are reduced to want, 'tis yourself must suffer: as for me, I have enough to render the short remainder of my life comfortable." To this severe and decrepit old man Cœlius might answer, that he had not deviated from the path of his duty through any irregular passion. But how does this appear? "Why, I was not extravagant in my expenses, I sustained no losses, contracted no debts." But it was reported that you had. Who can guard against reports in a city so much addicted to scandal? Are you surprised that a neighbour of this lady had his reputation attacked, when her own brother could not escape the lash of malicious tongues? But before a mild and indulgent father, who should talk in the following manner:

* This Cæcilius was a comic poet, most of whose characters were of the grave and morose kind.

"Has he broke open doors? let them be repaired: has he torn a garment? let it be mended." The cause of Cœlius may very easily be defended: for what article is there on which he might not easily vindicate himself? I say nothing now against that lady: but should there be one of a different character from hers, who should be familiar with all, who should always have some one or other to bestow her favours on, and that publicly; whose houses, gardens, baths, should be thrown open for the purposes of promiscuous interviews; nay, who should maintain young men, and employ her money in making amends for the scanty allowances of griping fathers: if such a lady should live licentiously in her widowhood, show the wickedness of her disposition by the wantonness of her behaviour, use her riches for the purposes of extravagance, can that man be thought an adulterer who shall be pretty free in his addresses to her?

But some person will be ready to say, "What! are these then your instructions? Is it thus you educate youth? Was it for this that Cœlius was recommended to you when a boy, and delivered up to your care by his father, that he might spend his younger years in amours and pleasures? Are you become an advocate for such pursuits, and for such a course of life?" If there is a person, my lords, of such firmness of mind, of such a bias to virtue and temperance, as to reject all pleasures, and make his whole life one continued scene of bodily toils and mental efforts; one for whom neither repose, nor amusement, nor the pursuits of his equals, nor diversions, nor banquetings have any charms; who thinks nothing desirable in life but what is glorious and honourable; he is, in my opinion, furnished and adorned with qualities more than human. Such, I apprehend, were the Camilli, the Fabricii, the Curii, and all those who have raised this empire to such a height of grandeur from so small a beginning. But such

exalted virtues are not to be found in the manners of the present times; nay, scarce indeed in their writings. The very books that contained this ancient severity are become antiquated, not only among us, who have followed this manner of life more by our actions than by our words, but likewise among the Greeks, that very learned nation; who, when they could not practise such rigid virtue, were still at liberty to praise it highly both in speaking and writing. Since this change in Greece, a different set of philosophers has arisen. Some of them maintain that the wise do every thing for the sake of pleasure; and even their learned men talk in this shameful manner. Others have thought that honour is to be joined with pleasure, that by their eloquence they might unite things so very opposite in their natures. Those who affirm that labour is the only path that leads to glory are almost left alone within their schools; for Nature herself has furnished us with many allurements which overpower Virtue, and lull her asleep; she points out from time to time many slippery paths to youth, in which they can neither stand nor walk, but they are in danger of falling or making some false step; and such is the variety of delightful objects wherewith she presents us, that not only the early part, but the most robust and confirmed period of life is liable to be seduced by it. If you happen, then, to find one whose eye despises beauty, to whom the richest odours can give no delight, who is indifferent to the most exquisite pleasures his sense of feeling renders him capable of, whose palate refuses to be gratified, and whose ears are deaf to harmony; I, perhaps, and a few others, may think that the gods have been favourable to such a person, but the generality will think they have been cruel to him.

Let us quit, then, this unfrequented and rugged path, which is now covered with briers and bushes; let some allowances be made to youth; let more

liberty be granted it; let pleasure be sometimes indulged; let not pure and unbiased reason always prevail; let passion and pleasure sometimes obtain the victory, provided they be kept within the bounds of moderation; let the young man be tender of his own chastity, and not violate that of another; let him not squander his fortune, nor ruin himself by mortgages, nor attack the house nor the reputation of another; let him bring no stain on the chaste, no reproach on the uncorrupted, no dishonour on the worthy; let him terrify none by open force, nor hurt them by secret contrivances; let him be free from crimes; and after having indulged to pleasure, and spent some part of his time in the diversions and trifling pursuits of youth, let him at last recall his thoughts to his private concerns, to those of the forum, and to those of the state, that what he had not before viewed with the eye of reason, he may seem to have rejected through satiety, and to have slighted from experience. And indeed there have been many great and eminent men, my lords, in our own days, and in the days of our fathers and forefathers, who, after the heat of youthful passion has abated, have, in the maturity of age, displayed the most sublime and illustrious virtues. It is needless for me to name any of them, you yourselves can recollect them; for I will not blend even the slightest failing of any brave and illustrious man with his greatest praise. Were I disposed to do it, I could mention many great and celebrated persons, some of whom, however, were in the earlier part of life very licentious, others profusely luxurious, some involved in debt, others extravagant and debauched; but these miscarriages, being covered afterward by many virtues, might be defended by any one, by pleading their youth.

As to M. Cœlius (for now that, relying on your wisdom, I have readily acknowledged some of his indiscretions, I will speak with more boldness of

his virtuous pursuits), it will be found that he has never been luxurious, never extravagant, never in debt, never passionately fond of voluptuous banquetings, or places of bad fame: for vice and intemperance are so far from being diminished, that they are increased by age. But as to amours, and what we call gallantry, which generally do not long disturb those who are endued with any firmness of mind (for they soon decay), these never fettered, never engrossed him. You heard him when he pleaded his own cause; you heard him before, when he accused Palla; I say this to defend him, and not to boast of him: you observed, such is your discernment, his manner of pleading, his great readiness, and the richness of his sentiments and language, you saw in him not only the brightness of genius, which is often powerful of itself without the aids of industry; but, if my friendship for him does not bias me, there likewise appeared in what he said a great deal of judgment and understanding, such as showed both an acquaintance with the liberal arts and sciences, and great diligence and application. And know, my lords, that it is scarce possible for such passions as Cœlius is charged with, and the studies I speak of, to be united in the same person: for it is impossible that a mind abandoned to wickedness, enslaved by amours, by desire, by passion, often embarrassed by too great abundance, and sometimes by want, can either exert that activity, or bestow that intenseness of thought, that is necessary to perform what we do in eloquence, how little soever it may be. Can any other reason be assigned, do you imagine, why the number of those who apply to this study is at present, and always has been, so small, though its rewards, its pleasures, its glory, its honour, is so very great? All pleasures must be relinquished: delightful pursuits thrown up; diversions, mirth, banqueting, nay, almost the conversations of our intimate friends must be renounced; this is what discourages men from

the laborious study of eloquence, and not the want of genius or education. If Cœlius had followed such a course of life, would he have impeached a person of consular dignity, when so very young? If he were averse to labour, if he were held fast in the chains of pleasure, would he appear every day on this field of battle? Would he be fond of enmity? Would he arraign any person? Would he expose his life to danger? Would he contend for so many months, before the whole people of Rome, either for glory or preservation?

But does the neighbourhood of Clodia send forth no odours? Is the public voice silent? Do not the waters of Baiæ speak? They not only speak, but they bawl out, that she does not only not look for solitude and darkness, and the like covers for crimes, but takes pleasure in practising the most infamous debaucheries before crowds, and in the face of day. But if any person thinks that free intercourse even with the depraved is to be denied to youth, such a one is severe indeed: I cannot contradict him: this, however, I must say, that he differs, not only from the freedom of the present age, but likewise from what our forefathers practised and allowed: for was there ever a time when it was not done? When it was condemned? When it was not tolerated? In a word, was there ever a time in which a thing allowable was not allowed? I will here propose a question; I shall name no lady, but leave every one to judge for himself: If an unmarried woman should throw her house open to the access of all, go frequently to entertainments with mere strangers: if she should do this in the city, in her gardens, and at the Baiæ, a place of such resort; in a word, if she should show herself not only by her gait, but by her dress and train, not by the sparkling of her eyes and her indecent conversation, but likewise by her kisses, by her embraces, by her behaviour at the baths, in pleasure-boats, and at entertainments, to

be not only a depraved, but an impudent woman: if a young gentleman should happen to be seen with such a lady, whether, Herennius, would you look on him as an adulterer, or a gallant; as one who wanted to attack chastity, or only to gratify his passion? I now forget my wrongs,* Clodia; I lay aside the remembrance of what I suffered; I pass over your cruelty to my family in my absence. Let not what I have said be applied to you. But as the prosecutors give out that you furnished them with this accusation, and that your evidence is to prove the fact, I ask yourself, whether, if there is such a woman as I have just now described, of a character indeed very unlike yours, but who is so abandoned, you would look on it to be a very shameful or a very criminal thing for a young gentleman to have any intercourse with her? If you are not the woman, as I hope you are not, what is it they can object to Cœlius? But if you are, why should we be afraid of an accusation which you despise? Furnish us then with the means of making our defence; for either your chastity will prove that Cœlius has done nothing infamous, or your impudence will plead strongly in his favour, and in that of others.

But as I seem now to have got clear of the shallows and rocks that stood in my way, an easy course presents itself for the rest of my cause. Cœlius is charged with two enormous crimes against the same lady; with having borrowed gold of Clodia, and with having prepared poison to kill her. The money he borrowed, according to you, to be given to the slaves of L. Lucceius, by whom he was to murder Dion the Alexandrian, who lived at that time with Lucceius. A weighty charge this, either to lay snares for ambassadors, or to solicit slaves to assassinate their master's guest: a design fraught

* Cicero here refers to the injurious treatment he met with from the Clodian family when he went into banishment.

with guilt, fraught with audaciousness. But here I will ask, in the first place, whether Cœlius told Clodia for what purpose he borrowed the money at that time, or whether he did not? If he did not tell her, why did she give it him? If he did, she was equally guilty. Did you dare to take gold out of your cabinet? To strip that plundering Venus of yours of her ornaments? Besides, when you know for what horrid purposes this money was borrowed; namely, to assassinate an ambassador, to fix an eternal blot on the character of L. Lucceius, a man of the greatest worth and integrity; your generous heart ought never to have been privy, your popular roof subservient, nor that hospitable Venus of yours accessary to so enormous a crime. Balbus was sensible of this: accordingly, he says that Clodia knew nothing of the matter, and that Cœlius told her he asked the money to defray the expenses of his public sports. If he was so very intimate with Clodia as you would have us believe, when you enlarge so much on his debauchery, he certainly told her what he intended to do with the gold; if he was not so intimate, then she did not give it him. If Cœlius then, O abandoned woman! told you the truth, you was conscious to the crime, and gave him money to perpetrate it; if he did not dare to tell you, then you did not give it.

Why now should I refute this accusation by arguments which may be brought without number? I may say that the manners of M. Cœlius are at the greatest distance from so enormous a crime: it is not at all credible that a man of such prudence and penetration could ever have thought of intrusting an affair so highly criminal to strange and unknown slaves. I may likewise, according to my own custom and that of other pleaders, ask the accuser where Cœlius met with the slaves of Lucceius? How he had access to them? If by himself, what rashness! if by another, who was the man? I may

enumerate every possible ground of suspicion, and still affirm that there is no foundation for this crime, that Cœlius could not be privy to it, could have no opportunity, no means, no hopes of accomplishing, none of concealing it; in a word, that there is not any shadow of proof, any traces of such atrocious guilt. But all these, which properly belong to an orator, as I might seem to have laboured them with great care, I pass over for the sake of brevity; though I might have rendered them serviceable to me, not through any superiority of genius, but by my practice and experience in pleading: for I have, my lords, the testimony of L. Lucceius,* a man of the strictest honour, and of the greatest authority, whose oath and integrity you will readily allow to be compared with your own; who must certainly have heard of such an attack made by Cœlius on his fame and fortune; and, if he had, would neither have despised nor put up with it. Would a man of such politeness, of such erudition, of such knowledge, have neglected the danger of one who was so dear to him on account of these very accomplishments? And would he not have endeavoured to prevent such villany when designed against his guest, which he would have resented so highly if designed against a stranger? Would he have slighted an action attempted by his own domestics which would have grieved him if committed by those he did not know? What he would have condemned if done in the fields, or any public place, would he have been unconcerned at if attempted in the city, and in his own house? Would a man of learning connive at a plot against a man of the greatest learning, when he would not slight the danger of the meanest peasant? But why, my lords, do I detain you any longer? Consider the integrity and authority of this witness, on his oath,

* This Lucceius was a man of great learning and ability; he wrote the history of the Italic and Marian civil wars, and undertook that of Cicero's consulship; but whether he finished it or not is uncertain.

and weigh carefully every word of his evidence. Read the evidence of Lucceius.* [*The evidence of Lucceius.*] What more do you expect? Do you imagine that this cause itself, and that truth can open their mouths, and give evidence for themselves? This is the defence of innocence; this the language of the cause itself; this the native voice of truth. The charge has no presumption, the crime no argument to support it: in the business which is said to have been transacted there is not the least appearance of consultation, of time, or of place; no witness, no accomplice is named; the whole accusation proceeds from the infamous, the cruel, the wicked, the bad house of an enemy: but the house on which so foul an imputation is fixed is full of honour, humanity, and truth: from this house evidence is given on oath; so that the matter we are now debating admits of very little doubt, only whether it is more likely that a rash, impudent, angry woman should forge an accusation, or that a grave, prudent, and worthy man should have the strictest regard to truth in giving his evidence?

All that remains, therefore, is the charge of poisoning; of which I can neither trace the beginning, nor discover the design. For what could prompt Cœlius to attempt poisoning that lady? That he might not return the gold? Pray, did she ask it? That he might not be charged with it? Did any one charge him? Would any one even have made mention of it if Cœlius had accused no person? Besides, you heard Herennius say that he should never have spoken a word against Cœlius if he had not a second time accused his friend of the same crime, after being once acquitted. Is it credible, then, that so atrocious a crime was committed without any reason? And do not you see that one enormous

* Lucceius was not present himself at this trial, but sent his evidence, which was publicly read in court.

piece of villany is pretended to have been committed, that it may seem to have been done in order to commit another? Once more, whom did he employ to execute it? Whom did he make use of as his accomplice? Whom as his companion? Whom as his confidant? Whom did he trust with such a crime, whom with himself, whom with his own safety? The slaves of this woman?—for so it is alleged. And was this man, whom you allow to have capacity, though you deny him every thing else, guilty of such madness as to trust his all to strange slaves? But to what kind of slaves?—for this is a circumstance of great importance. Was it to those whom he knew not to be subject to the common lot of slavery, but who lived in a very free and familiar manner with their mistress?—for who does not see this, my lords? Or who is ignorant that in a house where the mistress of a family lives like an abandoned woman, in which nothing is transacted that can be carried abroad, which is a scene of debauchery and luxury; in a word, every unheard-of scandalous excess; that in such a house, I say, slaves are not slaves; since every thing is committed to them, every thing conducted by them,—since they partake of the same pleasures, are intrusted with secrets, and have even some share of the daily expenses and luxury? Did not Cœlius then perceive this?—for if he was so familiar with the lady as you give out, he could not but know that these slaves were familiar with their mistress. But if there was no such intimacy as you charge him with, how could he be so very intimate with her slaves?

But how is this charge in regard to the poison rendered probable? Where was it got? How was it prepared? By what means? To whom, and where was it delivered? They say he had it at home, and tried its force on a slave whom he got on purpose, and whose sudden death convinced him of its effi-

cacy. Immortal gods!* why do you sometimes either wink at the most enormous crimes of mankind, or defer the punishment of present wickedness?—for I myself saw, and nothing in my whole life ever affected me with deeper sorrow, I saw Q. Metellus torn from the arms and bosom of his country; saw that man, who thought himself born for this empire, cut off, in the basest manner, from all the virtuous, and from the whole state, in the prime of his days, in perfect health and full vigour, on the third day after he had distinguished himself in the senate, in the rostrum, and in the government. At the time of his death, when every other feeling was extinguished, he reserved his last for his country; and, casting his eyes on me, who was dissolved in tears, intimated, with faltering and dying accents, how great a storm hung over this city, how great a tempest over the state; and frequently striking the wall, which was common to Catulus and him, often named Catulus, often me, and very often the republic; so that death did not give him so much concern as the thoughts that his country, and that I, was deprived of his assistance. If no sudden violence had cut off this man, in what manner would he, when arrived at consular dignity, have opposed the fury of his cousin, when he declared, during his consulship, in the hearing of the senate, that he would kill him with his own hand, though only beginning and attempting his furious measures!† Shall a woman, then, from that

* Clodia was commonly thought to have poisoned her husband Q. Metellus, who was an excellent magistrate and a firm patriot, to revenge his opposition to the attempts of her brother. Accordingly Cicero, interrupting the thread of his argument, in a manner extremely well adapted to move his hearers, inveighs against her astonishing impudence in daring to accuse Cœlius of a design to poison her, when she herself lay under the suspicion of having poisoned her own husband, on whom, to render her character, if possible, still more odious, the orator bestows very high, and indeed very just, commendations.

† The attempt made by Clodius, in the consulship of Metellus, to obtain the tribunate, that he might be enabled to revenge himself on Cicero, is here referred to. Clodius was a patrician, and, as such, incapable of the tribunate: accordingly his first step was to make himself a plebeian,

very house, dare to mention the quick efficacy of poison? Shall she not be afraid lest the house itself should open its mouth against her? Shall she not tremble at the sight of the conscious walls, not dread the remembrance of that fatal, that mournful night? But I return to the accusation; for the tears I have shed at the mention of that brave and illustrious man have weakened my voice, and my grief has discomposed my mind.

It is not said, however, whence this poison came, nor how it was prepared. They allege it was given to P. Licinius, a young man of virtue and modesty, and the friend of Cœlius; that an appointment was made with the slaves to come to the Senian bath, whither Licinius was likewise to come, and to deliver them a box of poison. Now here I would first ask, what end could be answered by carrying it to the appointed place? Why did not these slaves come to the house of Cœlius? If there was still so close a connexion, and so great an intimacy between Cœlius and Clodia, what suspicion would one of her slaves being seen at his house have occasioned? But if there already subsisted a secret aversion, if the intimacy was dissolved, and a quarrel arisen, this was the ground of all the concern; this the source from whence all this guilt, and all these accusations, are arrived. Nay, but it is said, that when the slaves of Clodia informed her of the matter, and of the wicked designs of Cœlius, this shrewd woman ordered them to promise him every thing; and, in order to have clear evidence of the poison when delivered by Licinius, desired the Senian bath to be the place appointed, that she might send some of her friends thither to lie in ambush; and when Licinius

by the pretence of an adoption into a plebeian house. When this affair was first moved to the senate by Herennius, an obscure, hardy tribune, the case being wholly new, and contrary to all the forms, it met with no encouragement. The consul Metellus, though brother-in-law to Clodius, warmly opposed it, and declared "that he would strangle Clodius sooner with his own hands than suffer him to bring such a disgrace on his family."

should come and deliver the poison, to rush out suddenly and seize him.

But all this, my lords, may very easily be refuted; for why should she particularly make choice of the public baths, in which I do not see how gentlemen in full dress can possibly be concealed? for at the entrance of the bath they must be seen: were they to thrust themselves into the inner part, their shoes and clothes must incommode them; admittance, too, might have been denied them, unless perhaps that powerful lady procured it by bestowing her favours on the bagnio-keeper, instead of the price of bathing. And, indeed, I was very impatient to hear the names of these worthy men, who are said to be witnesses of the seizing of this poison, for as yet none of them have been named. I do not question, however, but they are very considerable persons: in the first place, as they are intimate with such a lady; and, in the next, as they undertook to conceal themselves in a bath; a favour which no degree of power whatever could have procured her, but from men of the greatest honour and dignity. But why do I mention the dignity of these witnesses? Observe their bravery and address. They concealed themselves in a bagnio. Excellent witnesses! Then they rushed out of a sudden. Grave gentlemen, truly! The story is thus told: when Licinius came with the box in his hand, and endeavoured to give it away, but had not as yet done it, these noble witnesses without name rushed out of a sudden: on this Licinius, who had already stretched out his hand to deliver the box, drew it back, and, being frightened at the sudden attack of these gentlemen, betook himself to flight. O the mighty power of Truth, which easily defends herself against the contrivances, subtlety, and artifice of mankind, and against all the secret arts of fiction!

But all this fable, which is invented by a lady that has long dealt in fictions, how void of probability is

it? How unconnected and intricate? Why did so many men suffer Licinius to escape? for this number could not be small, both that it might be the easier to seize Licinius, and that the matter might be the better attested. Was it more difficult to seize him, when he drew back that he might not deliver the box, than if he had not drawn back? for they were placed there on purpose to seize Licinius, to catch him in the fact, either with the poison about him or after he had delivered it. This was all the lady proposed; this was the business of those who were employed by her; and why you should say that they rushed out rashly, and too soon, I cannot conceive. This was what they were employed for; with this view they were placed there, that the poison, the plot, in a word, the whole villany, might be clearly discovered. Could they have rushed out more opportunely than when Licinius came in? When he held the box of poison in his hand? For if the lady's friends had sallied forth and seized Licinius, after it was delivered to the slaves, he would have called out for assistance, and denied that the box was delivered by him; and in this case, how could they have convicted him? Would they have said they saw him? Why this, in the first place, must have brought on themselves an accusation for a very heinous crime; and, in the next, they must have affirmed that they saw what they could not possibly have seen from the place where they were concealed. They showed themselves therefore the very moment that Licinius came; when he was going to give the box; when he was stretching forth his hand; when he was delivering the poison. This then is the end of a farce, not of a comedy; in which, when there is no conclusion, some person makes his escape, the benches creak, and the curtain is drawn.

For I ask, why the lady's troops suffered Licinius, while he was in suspense, hesitating, retreating, and endeavouring to make his escape, to slip out of their

hands; why they did not seize him; why, by his own confession, by the eyes of so many witnesses; in a word, by the voice of the thing itself, they did not prove so enormous a crime in the clearest manner? Were they afraid lest they should not be able to get the better of him? What! so many against one; the strong against the weak; the bold against the fearful! The whole matter is without proof; the allegations have no presumptions to support them; the charge has no manner of connexion. This cause, therefore, being destitute of proofs, presumptions, or any of those circumstances by which the truth is usually cleared up, depends solely on witnesses; witnesses, my lords, whom I wait for, not only without the least apprehensions, but even with some hopes of being pleased. I long much to see, first, the elegant young gentlemen, the friends of a rich and noble lady, and then those brave men posted by their commandress in ambush, and guarding a bagnio. I will ask them, in what manner they were concealed, or where; whether it was a large bathing-tub or a Trojan horse, that contained and concealed so many invincible men, fighting in the service of a lady? I will oblige them to declare why so many and such brave men, having only one person before them, and, as you see, so very unable to resist, did not either seize him as he was standing, or pursue him when he fled. If they should appear here, I am confident this is what they will never be able to account for, how facetious and talkative soever they may be at entertainments, nay, and eloquent too, sometimes, over their bottle. The eloquence of the bar and of the dining-room is very different; the manner of the bench differs widely from that of the couch; the sight of a judge and that of a reveller is far from being the same; in a word, the light of the sun and that of a lamp have very little resemblance. If they appear, therefore, we shall examine all their jokes, all their pleasantry. But if they follow my advice,

they will employ themselves differently, make their court in another manner, and display talents of a different kind. Let them ingratiate themselves with that lady by their politeness; let them outshine all others in expense; let them accompany her everywhere, be always near her, and ever ready to obey her orders; but let them be tender of the life and fortune of an innocent man.

But we are told that these slaves are made free by the advice of relations, men of the highest quality and renown. At last we have found something which this lady may seem to have done by the advice and approbation of her relations, who are undoubtedly men of great spirit. But I should be glad to know what is proved by this manumission; by which an accusation is either feigned against Cœlius, or an examination by torture prevented, or a just reward bestowed on slaves who are acquainted with many secrets. The manumission, it is said, pleased the relations: how should it do otherwise, when you yourself acknowledge that you communicated the matter to them, not as what others had told you, but as what you had discovered yourself? Is it to be wondered at, if a most shameful story arose from this fictitious box? But there is nothing which such a woman may not be supposed capable of doing; the thing is known, and in everybody's mouth. You cannot now be ignorant, my lords, of what I would, or rather what I would not, say. If the thing was done, it certainly was not done by Cœlius: for of what advantage could it have been to him? It has been done then perhaps by some young fellow, who is not so much void of sense as of modesty. But if the whole is a fiction, it is not indeed a modest, but it is a humorous one; it could not however have been talked of publicly, nor believed, were it not that the character of that lady is such that there is nothing so shameful which does not suit it. I have pleaded the cause of Cœlius, my

lords; I have finished my defence: you now see the importance of this trial, and how weighty a matter is to be determined by you. An accusation of violence is now under your consideration, and the law in relation to it concerns our empire, our grandeur, the interest of our country, and the common welfare: a law which was made by Q. Catulus, when our citizens were armed against each other, and our liberties almost expiring; and which, after the flames that broke out in my consulship were quenched, extinguished the smoking remains of a desperate conspiracy. On this law the youth of Cœlius is attacked, not to satisfy the demands of public justice, but to gratify the resentment and wanton humour of a woman.

Here, too, the condemnation of M. Camurtus and C. Esernus* is mentioned. What folly! Folly, shall I say, or unparalleled impudence? Have you the assurance, you who came from that woman, to make mention of these men? Dare you renew the remembrance of so enormous a crime, which is only weakened, not extinguished, by time? For what was their guilt, and on what accusation were they condemned? Why, because they were the instruments of this woman's revenge, by making a shameful attack on Vettius. Was it in order to have the name of Vettius mentioned in this cause, therefore, and that old comedy of Afranius† revived, that the case of Camurtus and C. Esernus is brought to our remembrance? who, though their crime did not fall under the law in relation to violence, were yet so

* Camurtus and C. Esernus were two wicked instruments employed by Clodia to revenge her on one Vettius, who became the object of her hatred and cruel resentment. They were concerned in the assassination of the Alexandrian ambassadors, and were condemned for it.

† This either alludes to one Afranius a poet, who wrote some plays full of ribaldry, or to an impudent woman called Caia Afrania, mentioned by Valerius Maximus, who informs us that she was constantly engaged in lawsuits, that she always pleaded her own cause before the pretor, and that she spoke so much and so loud that her name became proverbial in the forum.

highly criminal that they seemed to be condemned by every law. But why is M. Cœlius summoned hither, who is neither charged with any crime that can properly fall under this law, nor indeed with any thing that has any relation to the law, and is subject to your authority? His early years were devoted to those sciences and that course of study by which we are formed for the bar, for bearing a share in the government, and for the attainment of glory, honour, and dignity. He cultivated friendship with those who were more advanced in years than himself; but with those only whose industry and temperance he was most desirous of imitating; and in his intimacy with his equals, he seemed to tread the same path of honour with the most worthy and illustrious. When he was a little farther advanced in life, he went into Africa, and lived in the same tent with the proconsul Q. Pompeius; a man eminent for his integrity, and a strict observer of every moral duty. In this province, where his father had an estate, he acquired that provincial experience which our ancestors justly considered as necessary for young gentlemen of his age; and left it highly approved by Pompey, as you shall see by the testimony he gave of him. He was desirous of giving the Roman people a proof of his industry by impeaching some considerable person, according to an ancient usage, and in imitation of those young men who afterward arrived at great eminence and became illustrious citizens.

I wish his passion for glory had led him to something else; but it is too late now to complain of that. He accused my unfortunate colleague C. Antonius, to whom the remembrance of his services to the state was of no avail, and the opinion of his having intended its ruin of great prejudice. None of his equals afterward surpassed him in diligence at the bar, in the multiplicity of business, in managing the causes of friends, or in the esteem of relations; all

the advantages which can only be obtained by the vigilant, the temperate, and the industrious, he obtained by labour and diligence. In this turning of life, as it may be called (for I will conceal nothing, as I have the greatest confidence in your goodness and wisdom), his reputation met with a rub at the very goal, by his acquaintance with this woman, his unhappy neighbourhood, and his not being accustomed to pleasure; which, when they are long confined, and in the early part of life checked and shackled, pour forth sometimes all of a sudden, and throw themselves out all at once. He has however extricated himself from this life, or rather from this report (for he was far from being what he was said to be); but whatever it was, he has raised himself above it, and is now so far removed from the reproach of her intimacy, that he defends himself against her malice and resentment. And that he might put an end to those reports of his sloth and voluptuousness, which clouded his reputation, he accused a friend of mine of corruption; much against my inclination indeed; he did it, however, notwithstanding all my endeavours to the contrary: after he was acquitted, he renewed the accusation; he regarded none of us; and has much more impetuosity than I could wish. But I do not speak of wisdom, which is seldom to be met with in his years; I speak of the bent of his mind, of his passion for distinguishing himself, and his ardour for glory; all which, in persons of our age, ought to be more moderate; but in youth, as in vegetables, they only show what is to be expected from their virtue, when arrived at its maturity, and what a rich harvest is to spring from their industry. And indeed it has always been more necessary to check young men of great genius in the career of glory than spur them on; and at that age much more is to be lopped than ingrafted, as its powers are opened and spread out by applause. If Cœlius therefore appears to any to be too impetuous, sanguine,

and obstinate, either in conceiving or in prosecuting resentment; if the meanest of those that are here present are in the least offended by the purple he wears, the number of his friends, his splendour and elegance; these things will quickly subside; age and time will soon moderate them all.

Preserve therefore to the state, my lords, a citizen of virtuous dispositions, of virtuous principles, and of virtuous friendships. This I promise to you, and engage for it to my country, if I myself have hitherto given satisfaction to the state, that his measures shall never be different from mine: this I promise both on account of our intimacy, and because he has brought himself under the strongest engagements to perform it. For it is impossible that he who impeached a person of consular dignity for attempting the ruin of the state should himself be a seditious citizen: it is impossible that he should ever dare to practise the arts of corruption who accused another of practising them, after being once acquitted. The state, my lords, has of M. Cœlius two impeachments, as hostages, that he will never bring her into danger, and as pledges of his affection. In a city therefore, my lords, where within these few days Sextus Clodius has been acquitted, whom for two years you have seen either the instrument or the leader of sedition; who with his own hands has set fire to the temples, the registers, and the archives of Rome; a man without estate, without honour, without hope, without a dwelling, without any fortune; whose mouth, whose tongue, whose hands, whose whole life is polluted; who demolished the monument of Catulus, threw down my house, and burnt that of my brother: who in the Palatium, and before the eyes of all Rome, raised the slaves to butcher our citizens, and set fire to our city; I entreat and conjure you, that you would not suffer him to be acquitted in the same city through the interest, and M. Cœlius to be sacrificed to the hatred, of a woman, lest the same

person, with her husband—I mean her brother, should seem to have saved a most infamous robber, and ruined a young man of the greatest worth. And when you have considered the youth of Cœlius, place before your eyes the old age of this his wretched father, who has no other support but this only son; who founds all his hopes on him, and has no fears but on his account. If your hearts were ever touched with pious sentiments to parents, or with tender affection to children, support him, here prostrate before you; not so much to testify his respect, as to move your compassion; that the sorrows of both may excite in you every emotion of filial piety and paternal fondness. Let not the one, my lords, who is already sinking into the grave by the weight of years, be cut off by your severity sooner than by the stroke of nature; nor the other, now that his virtues have taken deep root, and just begun to blossom, be thrown down, as it were, by some violent blast or sudden tempest. Preserve the son to the father, the father to the son, that you may not appear to have despised an old man almost destitute of every hope; and not only to have refused cherishing a youth of the greatest hopes, but even to have depressed and ruined him. By preserving him to yourselves, to his friends, to his country, you will find you will attach and consecrate him to you and your children; and you, my lords, will reap the fairest and most lasting fruits of all his abilities, and of all his toils.

ORATION XI.—AGAINST L. C. PISO.*

ARGUMENT.

L. Calpurnius Piso was consul with Gabinius, A. U. C. 695: they were both the professed enemies of Cicero, and concurred with Clodius in those violent measures which terminated in his banishment—On the expiration of his consulship, Piso went to his government of Macedonia, where his administration was extremely inglorious: he oppressed the subjects, plundered the allies, and lost the best part of his troops against the neighbouring barbarians, who invaded and laid waste the country—Cicero, after his return from exile, neglected no opportunity of being revenged: on occasion of a debate in the senate about the consular provinces, he exerted all his authority to get him recalled with some marks of disgrace, and accordingly the senate decreed his revocation: when he arrived at Rome, he entered the city obscurely and ignominiously, without any other attendants than his own retinue—On his first appearance in public, trusting to the authority of Cæsar, who was his son-in-law, he had the hardiness to attack Cicero, and complain to the senate of his injurious treatment of him—Cicero, provoked by his impudent attack, replied to him on the spot in the following oration, which is a severe invective on his whole life and conduct; and which, if invectives are to be considered as faithful memoirs, must transmit to all posterity the most detestable character of him.

Dost thou not see, blockhead, dost thou not now perceive what complaints are made of thy impudence? No one complains that an obscure Syrian,† from among a crowd of new-bought slaves, is made consul; for his dark complexion, his hairy cheek, and rotten teeth would not allow of any imposition; but here men have been deceived by those eyes, by those brows, by that forehead; in a word,

* The beginning of this oration is lost, excepting a few fragments preserved by Asconius.

† By Syrian is here meant a slave; for it was usual to call slaves by the name of the country from whence they came.

by that whole visage, which is a kind of silent language of the heart: these have misled, abused, and imposed on those who were strangers to them. There were few of us who knew your filthy vices; few who were acquainted with your dulness, with the stupidity and feebleness of your tongue. Your voice was never heard in the forum, nor your opinion in the senate: never were you illustrious, nor even known, for any action either in peace or war: you have crept into honours by the mistake of mankind, without any thing to recommend you but smoky images, which you resemble in nothing but their colour.* And shall he vainly boast, even to me, that he has obtained the highest offices of the state without repulse? This I indeed may be allowed to say of myself with true glory, on whom, though but a new man, the Roman people have bestowed all their honours. When you were made questor, even those who had never seen you conferred that honour on your name.† You was made edile; but it was a Piso who was then chosen by the Roman people, and not that there Piso. It was on your ancestors too that the pretorship was bestowed; these illustrious dead were known to everybody; but you, though alive, was known by none. But when the Roman people, by their unanimous suffrages, made me questor, edile, and pretor, the first of all my competitors, they bestowed those honours on Cicero, not on his family; on his manners, not on his ancestors; on his virtue, which they had seen, and not on his

* The right of using pictures or statues at Rome was only allowed to such whose ancestors or themselves had borne some curule office, that is, had been curule edile, censor, pretor, or consul. He that had the pictures or statues of his ancestors was called noble; he that had only his own, new; he that had neither, ignoble. It was usual for the Romans to burn frankincense and wax-lights before them on the festival days; whence probably they are here called smoky.

† Cicero reproaches Piso with being indebted for his advancement, not to personal merit, but to his name. He was descended indeed from one of the most illustrious families in Rome, that of Piso Frugi, who had done many and distinguished services to the Roman state.

nobility they had heard of. What shall I say of my consulship? Shall I show how I obtained it, or how I exercised it? To what a miserable situation am I now reduced, to compare myself with that reproach, that plague of his country! But I will say nothing by way of comparison, and yet I will join things widely different from each other. You was declared consul, to say nothing more than what is universally confessed, at a difficult period of the state, while the consuls Cæsar and Bibulus were at variance; and you yourself cannot deny that those who declared you consul would have deemed you unworthy of the light, if you had not surpassed Gabinius in wickedness. But I was declared the first consul by the suffrages and acclamations of all Italy, of all orders of men, and of the whole state.

I shall not mention the manner, however, in which each of us was made consul, let chance be supposed to have presided in the field of election: it is more glorious to relate how we conducted ourselves in the consulship, than how we obtained it. On the first of January I delivered the senate, and every worthy Roman, from the terror of the agrarian law, and that of boundless corruption. I preserved the Campanian lands, if it was not proper they should be divided;* if it was, I reserved that employment for those that were better qualified to discharge it. In my pleading for C. Rabirius, who was accused of treason, for having killed Saturninus, forty years before my consulship, I supported and defended the authority of the senate when attacked by envy. I excluded from honours a number of brave and worthy young men, but thrown by fortune into so miserable a situation, that if they had obtained power they would probably have employed it to the

* Our orator probably makes this distinction for fear of giving offence to Cæsar, who in his consulship had carried an agrarian law by violence, for distributing the lands of Campania to 20,000 poor citizens, who had each three children or more.

ruin of the state; and this by rendering myself only obnoxious, without bringing the senate under any odium.* By my patience and complaisance I softened my colleague Antony, who was desirous of a province, and was meditating many things against the state. In a public assembly, contrary to the inclination of the Roman people, I resigned the province of Gaul; which, by the senate's order, was well furnished with money and troops, and exchanged it with Antony, because I thought the situation of the state required it. L. Catiline, who was projecting the murder of the senate, and the destruction of Rome, not secretly but openly, I ordered to leave the city; that, as our laws would not defend us from him, our walls might. In the last month of my consulship, I wrested from the wicked hands of conspirators the swords which they aimed at the throats of my fellow-citizens. I seized, produced, and extinguished the torches that were lighted up to set fire to the city.

Q. Catulus, prince of the senate, and the guide of public deliberations, in a full house, declared me the father of my country. L. Gellius, that illustrious senator who sits near you, said, in the hearing of this assembly, that a civic crown was due to me from the republic. The senate, by an extraordinary kind of supplication, opened the temples of the immortal gods to me in my robes of peace, not for having done service to the state, which had been

* What Cicero here refers to was this: Sylla had by an express law excluded the children of the proscribed from the senate and all public honours. The persons injured by this tyrannical act, being many, and of great families, used all their interest to get it reversed. Cicero was of opinion that their petition was, from the condition of the times, highly unseasonable, however equitable; since it was natural to suppose that the first use an oppressed party would make of the recovery of their power would be to revenge themselves on their oppressors. Accordingly, he made it his business to prevent that inconvenience, and found means to persuade those unfortunate men, that to bear their injury was their benefit; and that the government itself could not stand, if Sylla's laws were then repealed, on which the quiet and order of the republic were established.

the case of many, but for having saved it from ruin, which had happened to none. On the expiration of my office, when a tribune of the people hindered me from saying publicly what I intended, and would only allow me to take the oath,* I swore without any hesitation, that I alone had preserved the commonwealth and this city from destruction. The whole Roman people on that occasion bestowed on me, not the acclamations of a day, but an eternity and immortality of applause; for with one voice, and with one consent, they confirmed this my solemn and important oath, and swore themselves that what I said was true: after which my return from the forum to my own house was such, that none but those who attended me seemed to be Romans. Such indeed was my conduct during the whole of my consulship, that I did nothing without the advice of the senate, nothing without the approbation of the Roman people. From the rostra I always defended the cause of the senate, and in the senate that of the people; the lower sort of the people I united with the higher, and the equestrian with the senatorian order. Thus have I briefly laid open my consulship.

If thou darest now, detestable fury, speak of thine, which was begun with the Compitalitian games,†

* It was usual to resign the consulship in an assembly of the people, and to take an oath of having discharged it with fidelity. This was generally accompanied with a speech from the expiring consul; and, after such a year, and from such a speaker, the city was in no small expectation of what Cicero would say to them; but Metellus, one of the new tribunes, who generally opened their magistracy by some remarkable act, as a specimen of the measures they intended to pursue, disappointed both the orator and the audience; for when Cicero had mounted the rostra, and was ready to perform this last act of his office, he would not suffer him to speak, nor do any thing more than barely take the oath; declaring, "that he who had put citizens to death unheard ought not to be permitted to speak for himself."

† The Compitalitian were so called from the Compita, or cross-lanes, where they were instituted and celebrated by the rude multitude that was got together, before the building of Rome; after having been laid down for many years, they were revived and held during the Compitalia,

then first exhibited since the consulship of L. Metellus and Q. Marcius, against the authority of this order. Q. Metellus, when consul-elect (but I do an injury to the memory of that brave man, who has had a few equals in this state, when I compare him with this worthless being), forbade, as a private person, these games to be celebrated, though a tribune of the people, in opposition to a decree of the senate, had ordered it; and thus effected by his credit what he could not as yet have done by his power. These games falling on the first of January, you suffered Sex. Clodius, that beastly fellow, and highly worthy of your countenance and friendship, to celebrate them, and to flutter about in his purple-bordered robe, though till then he had never worn it. Having thus laid the foundations of your consulship, three days after, the Ælian and Fusian laws, those walls and bulwarks of the public peace and tranquillity, were abolished by P. Clodius, that pernicious monster to the state, while you looked silently on. Those fraternities, which the senate destroyed, were not only restored, but numberless new ones were raised, consisting of slaves and the very dregs of the city. The same Clodius, who abandoned himself to the most horrible and unheard-of acts of lewdness and debauchery, abolished the severity of the censorship, that ancient directress of manners and modesty; while you, the sepulchre of the state, who tell us that you were then consul at Rome, never opened your mouth amid the so great desolation of your country.

I have hitherto mentioned not what you did, but only what you suffered to be done; though indeed there is little difference, especially in a consul,

or feasts of the Lares, who presided as well over streets as houses. Augustus ordered the Lares to be crowned twice a year at the Compitalitian games with spring-flowers. This crowning the household gods, and offering sacrifices up and down in the streets, made the greatest part of the solemnity of the feast.

whether he himself harasses the state by pernicious laws and wicked cabals, or allows others to do it. Can any excuse be made, I shall not say for a disaffected consul, but for one who sits still, who loiters, and sleeps during the greatest commotions of the state? The Ælian and Fusian laws we had observed almost for a hundred years, and the jurisdiction of the censors had subsisted four hundred. These laws one wretch endeavoured, but no man was ever able, to shake. As to the jurisdiction of the censors, no person ever arrived at such a pitch of audaciousness as to endeavour to lessen it, and prevent our manners from being brought under their cognizance every fifth year. All these, thou executioner of the laws, were buried in the bosom of thy consulship. Go on, and inform us of what happened immediately after this desolation of the state. Before the Aurelian tribunal, a levy of slaves was made, by one who never thought any thing too infamous either to do or suffer, while you did not affect indeed to look on with indifference, though even this would have been a crime, but beheld it with unusual pleasure. Before thy eyes, thou who hast violated all the temples, arms were placed in the temple of Castor by that robber, who used it as a citadel for abandoned citizens, as a receptacle for Catiline's veterans, as the strong-hold of civil robbery, as the sepulchre of all laws, and of every thing sacred. Not only my house, but the whole Palatium was filled with senators, with Roman knights, with the citizens of Rome, and the inhabitants of all Italy; while you (for I pass by domestic transactions, which may be denied, and confine myself to those that are publicly known), while you, I say, not only never assisted that Cicero, whom, at your election, you employed to preside over the votes of the leading century, and who was the third whose opinion you asked in the senate; but whenever any scheme was formed for

my destruction, you was present, nay, you cruelly presided.

But what was it you had the impudence to say to myself before my son-in-law, your own kinsman?* that Gabinius was so very poor that he was not able to show his head; that it was impossible for him to subsist without a province; that he had some hopes of one from a tribune of the people, if he and you were to join interests, but that he despaired of any thing from the senate; that you humoured him as I had done my colleague; that it signified nothing to implore the help of the consuls; and that every man ought to look to himself. And here there are some things I scarce dare mention. I am afraid lest there should be any who do not perceive the excessive wickedness which is concealed under the folds of that fellow's forehead: I will mention them, however. He himself will certainly acknowledge them, and the recollection of his crimes will be attended with some pangs of remorse. Dost thou not remember, thou filthy wretch, how that, when C. Piso and I went to you almost at mid-day, we found you coming out from a little hovel, with your sandals on your feet, and your head muffled up; and when you had almost overwhelmed us with a fetid steam poured forth from your stinking mouth, how you excused yourself on account of your bad health, and alleged that you made use of vinous medicines? After this apology, we remained a little (for what could we do?) amid the stench and smoke of your filthy hovel, whence you forced us away by your low answers and infamous belchings. About two days after, being brought into an assembly by him with whom you had shared your consular authority, when you was asked what you thought of my consulship,

* This was C. Piso Frugi, on whom Cicero bestows a very high character; and tells us, that for probity, virtue, modesty, and every accomplishment of a fine gentleman and fine speaker, he scarce had his equal among all the young noblemen of Rome.

with an air of gravity, like a Calatinus, an Africanus, or Maximus, and not like a half Placentian,* sprung from Cæsonius and Calventius, having one brow screwed up to your forehead, and another hanging down to your chin, you replied, "that my cruelty did not please you."

Here you was applauded by him who is highly worthy of celebrating your praises. Dost thou, villain; dost thou, a consul, charge the senate with cruelty in a full assembly? As for me, I have no share in the charge; for I only obeyed the senate. To give salutary and diligent information belonged to me, as a consul; but to bring to a trial, and to punish, belonged to them as a senate; by blaming which you plainly show what you would have done, had you been consul at that time. I make no question but you would have given it as your opinion that Catiline should be supplied with money and provisions; for where was the difference between Catiline and him with whom you bartered the authority of the senate, the safety of Rome, and the whole commonwealth, for a province? For P. Clodius was assisted by the consuls in doing those things, in which I, as a consul, obstructed the attempts of Catiline. He wanted to murder the senate; you have taken away their authority: he wanted to burn the laws; you have abrogated them: he wanted to destroy his country, and you have seconded his impious attempt. What was done during your consulship without arms? That band of conspirators wanted to set fire to the city, you to the house of him who prevented them. But had I been a consul like you, even they would never have entertained a thought of burning the city, for they would not have cared to destroy their own houses; but while such senators remained they imagined

* Piso is here called a half Placentian because his mother was of Placentia.

they could have no sanctuary for their crimes. Their aim was to murder their fellow-citizens, yours to enslave them. In this your cruelty was greater than theirs; for, before your consulship, so ardent was the love of liberty in the breast of every Roman, that they would have preferred death to slavery. It was in imitation of the conduct of Catiline and Lentulus that you drove me from my house, and confined Pompey to his; for they never imagined they could destroy the state, while I was safe, and continued in the city as its watchman; and while Pompey, the conqueror of all nations, opposed them. You required my blood to satisfy the manes of the conspirators, and poured forth on me all the odium that lay concealed in the breasts of the enemies of their country; to whose fury if I had yielded, I had, under such leaders as you, been sacrificed on the tomb of Catiline. But what stronger proof can you desire of the similarity of your conduct to that of Catiline, than your raising the same band from the expiring remains of his associates? than your collecting all the abandoned from every quarter? than your pouring forth the very jails on me? than your arming conspirators? than your exposing my person, and the life of every worthy Roman, to their rage and violence? But I now return to that admirable speech of yours.

Are you the person who is shocked at cruelty? What did you, good tender-hearted sir, when the senate had resolved to signify their concern and affliction, by changing their habit,* when you saw

* When Cicero was reduced to the condition of a criminal, in consequence of one of Clodius's laws, he changed his habit, as was usual in case of a public impeachment, and went about the streets in a mourning gown, to excite the compassion of his fellow-citizens. The whole body of the knights and the young nobility, to the number of twenty thousand, with young Crassus at their head, changed their habit likewise; and on a motion made by the tribune Ninnius, that the senate too should change their habit with the rest of the city, it was agreed to instantly by a unanimous vote.

the highest order of the state express their sorrow by their mourning? what the most barbarous tyrant never did. I pass by the orders given by a consul, that the senate should not obey their own decree;* a proceeding, however, than which none can be conceived more infamous; and return to the compassion of the man who thought the senate too cruel in saving their country. He had the impudence to order, in conjunction with that brother of his, whom yet he was desirous to surpass in all manner of wickedness, that the senate, contrary to their own ordinance, should resume their usual habit. What Scythian tyrant ever refused the liberty of groaning under the burden himself had imposed? You leave them in affliction, and will not allow them to give marks of it; you prevent their tears, not by consolation, but by menaces. Supposing the conscript fathers had changed their habit, not in consequence of a public ordinance, but from a principle of private friendship or compassion, it would still have been an act of tyrannical power had you cruelly interposed with your edicts to prevent it: but when a full senate had decreed it, when all the other orders of the state had already done it, then you, who was a consul, being dragged out from a dark tavern, with that dancing lady,† forbade the senate to lament the fall and ruin of the state.

But not long before he asked me what need I had for his assistance, and why I had not opposed my

* When the motion was made by Ninnius for the senate to change their habit, Piso kept his house on purpose; but Gabinius was so enraged, that he flew out of the senate into the forum, and declared to the people from the rostra that the knights should pay dear for this day's work; and, to confirm the truth of what he said, he banished L. Lamia, a Roman knight, two hundred miles from the city, for his distinguished zeal and activity in Cicero's service. This was followed presently by an edict from both the consuls, forbidding the senate to put their late vote in execution, enjoining them to resume their ordinary dress.

† Gabinius is here meant, who is put in the feminine gender to denote his effeminacy; and is called a dancing lady, because his joy at Cicero's banishment is said to have made him dance at a public entertainment.

forces to those of my enemies? as if I, who had often assisted many, nay, as if the most destitute person alive, would think himself more secure under such a protector, or better prepared for his trial with such an advocate and voucher. Was I desirous of throwing myself on the counsels or protection of that filthy lump of brutality? Did I expect either assistance or countenance from that rotten carcass? At that time I wanted a consul; a consul, I say, not such a one indeed as was capable of defending so mighty a state by his wisdom and counsels, for such I could not have found in that animal; but one who, like a log or trunk of a tree, was able at least, provided he could but stand, to have borne the title of the consulship: for my cause being wholly consular and senatorian, I wanted the assistance both of a consul and a senate: but the consuls were bent on my destruction; and as for the senate, its authority was entirely abolished. If you would have my sentiments on the matter, however, know that I would not have yielded, and that my country should have held me fast in her embraces, if that murdering gladiator, yourself, and your colleague, had been the only enemies I was to contend with. The case of Q. Metellus, that illustrious citizen, whose glory, in my opinion, is equal to that of the immortal gods, was very different; when he thought it advisable to yield, rather than engage with that bravest of men, C. Marius, then in his sixth consulship, and with his invincible legions. What such conflict had I to sustain? was I to contend with C. Marius, or any one equal to him, or with a bearded Epicurean,* in conjunction with Catiline's lantern-bearer? From

* Piso, in his outward carriage, affected the mien and garb of a philosopher, being severe in his looks, squalid in his dress, slow in his speech, morose in his manners, the very picture of antiquity, and a pattern of the ancient republic; but, under the guise of virtue, he was a dirty, sottish, stupid Epicurean, and wallowed in all the low and degrading pleasures of sensuality.

such, believe me, I never fled, nor from your haughty looks, nor from the pipes and cymbals of your colleague; nor, after steering the vessel of the republic amid the most dreadful storms and hurricanes, and conducting her safe into the harbour of tranquillity, was I so pusillanimous as to dread the clouds of your countenance, or the stinking breath of your colleague. I foresaw other blasts, other storms, to those that had already threatened me. I did not yield, but withstood them alone, for the sake of the public safety. Accordingly, at my departure, every wicked sword dropped from every inhuman hand, while thou, mad wretch, at a time when every worthy Roman was lamenting in secret, when our very temples were groaning, when even the dwellings of Rome wore a mournful aspect, embraced that fatal monster, that compound of horrid vileness, of civil murder, of all manner of atrocious crimes, and wickedness committed with impunity; and in the same temple, on the same spot of ground, and at the same instant of time, received the price, not only of my ruin, but of that of your country.

Why should I mention the feastings of those days, why your mirth and rejoicing, why your excessive drinking amid the infamous tribe of your companions? Where is the man who ever saw you in your senses at that time? where the man that saw you employed in any thing becoming a gentleman? where, in a word, the man who saw you appear in public? while the house of your colleague resounded in the mean time with songs and cymbals, while he himself danced naked amid the entertainment, without being taught by the giddy dances he led up to apprehend the giddiness of fortune. As for this fellow, who is not so elegant and musical a rioter as the other, he contented himself with wallowing in wine, and amid the impurities of his Greeks; which entertainment of his, at a time of

public sorrow, was said to resemble those of the Lapithæ and the Centaurs; nor is it easy to say whether he drank, or vomited, or wasted a greater quantity of wine on that occasion. And will you, notwithstanding this, make mention of your consulship? Will you have the impudence to say that you was a consul at Rome? What! do you imagine that the consulship consists in the lictors, in the gown, and the pretexta? ornaments which, when consul, you bestowed even on Sextus Clodius. Do you think that the consulate is expressed by badges worn by Clodius's dog? One cannot be a consul without spirit, conduct, honour, gravity, vigilance, care; without discharging, in a word, every duty of his office, by defending, and, above all, by consulting the interest of the state, which is implied in the very name. Shall I look on him as a consul who did not think there was a senate in the republic? Can I figure to myself a consul but in conjunction with that assembly, without which even kings could not reign at Rome? I shall not mention the levies of slaves that were made in the forum; the arms which were carried publicly, and in the face of day, into the temple of Castor; the obstructing of the entrance of that temple, the tearing away of the steps that led up to it, its being taken possession of by the remains of the conspirators in arms, and by him who had once been the sham accuser of Catiline, but then his avenger. At a time when Roman knights were banished, when worthy citizens were stoned out of the forum, when the senate was not allowed not only to assist their country, but even to mourn over it: when a citizen, who was declared the saviour of his country by this assembly, by the common voice of Italy, and of all nations, was expelled by slaves and open violence; I shall not say by your assistance, though I might consistently with truth, but certainly with your connivance, without any trial, without any law, without any precedent;

will any one think there were consuls at Rome? If you are to be accounted consuls, who must be reckoned cut-throats, who robbers, who enemies, who traitors, who tyrants?

Great is the authority, great is the appearance, great the dignity, and great the majesty of a consul: but the narrowness of thy soul cannot admit these, the levity and meanness of thy spirit cannot receive them, nor can thy contracted capacity and thy insolence in prosperity, sustain so important, so weighty, and so venerable a character. I have been told, I declare, that even the perfumers' street at Capua rejected you for a Campanian consul the moment they saw you.* They had heard a little of the Decii, of the Magii, and of Taureas Jubellius,† who, though they were not possessed of that wisdom which our consuls generally have, had yet pomp, appearance, and a stately manner, which did honour at least to the perfumers' street, and to the city of Capua. It would, in short, have given greater pleasure to these sellers of perfumes to have had Gabinius in quality of duumvir. His hair was dressed, his curled locks nicely perfumed, and his cheeks painted in a manner worthy of Capua; I mean of old Capua: for Capua at present abounds with the most illustrious men, the bravest heroes, the best citizens, all my very good friends. There was not a man of these who saw you at Capua that did not lament the loss of me, by whose counsels they remembered that the whole state and that very city in particular had been preserved. To me they had raised a gilded statue; me they had taken as their sole protector; to me they reckoned

* Cæsar, in his consulship, having sent a colony to Capua, gave the command of it to Pompey and Piso, with the title of duumvirs. Piso, not content with this title, assumed that of consul: so that the sense of the passage is this: you no sooner made your appearance in Capua, than the perfumers' street conceived so mean an opinion of you that they thought you unworthy even of the office of duumvir.

† These are the names of illustrious Campanians.

themselves indebted for their lives, for their fortunes, and for their children. When I was present, they had defended me against thy robberies by their decrees and deputies; and when absent, they recalled me at the motion of Pompey, who tore the weapons of thy villany from the body of the republic. Were you consul when my house on the Palatium was on fire, not by accident, but by torches thrown into it at your instigation? Did ever a fire break out in Rome and the consul not hasten to extinguish it? But you were sitting all the while near my house, at your mother-in-law's, whose doors you had thrown open to receive what was plundered from me: there you sat, not indeed to extinguish, but to increase the flames; and, consul as you were, in a manner supplied the furious instruments of Clodius with burning torches.

During the remaining part of your year, did any man look on you as consul? did any man obey you? did any senator rise up to salute you when you came into the senate? did any one give you his opinion when you asked it? In a word, is that year to be reckoned in the Roman annals in which the senate was silent, the courts of justice shut up, every worthy man oppressed with affliction, the violence of thy robbery raging over the whole city; when not only one citizen left Rome, but the city itself gave way to your rage and wickedness, and to that of your colleague. Yet even then, filthy Cæsonian, thou didst not emerge from the vile sink of thy nature, when a most illustrious Roman,* at last

* Pompey is here meant, whose engagements with Cæsar obliged him to suffer Cicero to be driven into exile: to ingratiate himself, however, with the senate and people, and to correct the insolence of Clodius, he favoured his return. So insolent indeed was Clodius grown, on his victory over Cicero, that even his friends could not bear him any longer; for, having banished Cicero, and sent Cato out of his way, he began to fancy himself a match for Pompey, and in open defiance of him seized by stratagem into his hands the son of king Tigranes, whom Pompey had brought with him from the east, and kept a prisoner at Rome; and, instead of delivering him up when Pompey demanded him, undertook for

rousing his courage, recalled his sincere friend, and a worthy patriot resumed his former spirit, and would not any longer suffer your wickedness to commit ravages in a state which he by his victories had adorned and enlarged; though at that time even Gabinius, whom you alone surpass in villany, bad as he is, recovered himself: it was with difficulty indeed: however, he recovered himself, and acted for Cn. Pompey against his beloved Clodius, at first in appearance only, afterward faintly, but at last honestly and vigorously.* At the sight of this encounter, the Roman people showed great moderation: for, like a master of gladiators, the match being equal, they considered themselves as sure of gaining by the fall of either: and if both should fall, their gain, they thought, would be immortal. Still, however, Gabinius did something; he defended the authority of a very great man; he was indeed himself an abandoned fellow, a gladiator; but he was matched with one who was equally so. But you, a person of scrupulous integrity, no doubt, would not break the league which, in the convention for the provinces, you had sealed with my blood: for that incestuous adulterer Clodius had bargained for your support and assistance in all his wicked schemes, on the condition of his giving you a province, an army, and money torn from the bowels of the republic.

a large sum of money to give him his liberty and send him home. This affront, which Pompey could not digest, roused him to think of recalling Cicero.

* What Cicero refers to in this passage was this; Rome was alarmed by the rumour of a plot against Pompey's life, said to be contrived by Clodius; one of whose slaves was seized at the door of the senate with a dagger, which his master had given him, as he confessed, to stab Pompey. Many daring attacks too having been made on Pompey's person by Clodius's mob, he retired from the senate and the forum, till Clodius was out of his tribunate, and shut himself up in his own house, whither he was still pursued and actually besieged by Damio, one of Clodius's freedmen. So audacious an outrage as this could not be overlooked by the magistrates, who came out with all their forces to seize or drive away Damio; on which a general engagement ensued, and Gabinius was forced to break his league with Clodius, and fight for Pompey.

Accordingly, in the tumult which ensued, his fasces were broken, himself wounded; nothing was to be seen daily but arms, violence, and flight; at last one was seized in arms near the senate-house, and it appeared plainly he was posted there to murder Pompey.

On that occasion, who ever heard of any action or remonstrance of yours—nay, who ever heard you speak or complain? Do you suppose yourself to have been a consul when, under your administration, the man who had saved the state and the authority of the senate could not be safe in Italy; nor he who by three triumphs had united all the nations of the earth under the Roman power, safe to appear in public? Were ye consuls at a time when the very moment ye began to speak on any affair, or to propose any thing to the senate, the whole assembly opposed you, and declared that no business should be done till the question was put concerning my return? Were ye consuls when ye said, though held fast by your convention, that you wished my return, but that you were bound up by law? Is it possible that men, nay, that the public annals can endure the consuls who give out that they are afraid of a law which did not seem to bind private persons; a law with which slaves have branded the republic, which violence has engraved, which robbers have imposed, when the authority of the senate was abolished, when every worthy citizen was driven from the forum, when the state was in captivity; a law, in a word, in contradiction to every other law, and passed without any of the usual forms? for if you did not think that a law which contradicted all laws, being only a tribunitian proscription of the person and estate of a free and uncondemned citizen, and yet were held fast by this convention; who can reckon you not only consuls, but even freemen, whose souls were enslaved by corruption, and your tongues tied up by lucre? But

if you were the only persons that thought it a law, who can think that you were then consuls, or are now consular, when you are ignorant of the laws, the institutions, the manners, and rights of a state, where you want to be reckoned among its principal citizens? When you set out in your military robes for the provinces,* which you had either bought or extorted, did any one consider you as consuls? and those who accompanied you to do you honour at your departure, though their number was but small, yet they attended you, no doubt, with good wishes as usual to consuls, and not with such imprecations as are bestowed on enemies and traitors.

And shalt thou, base and barbarous monster, dare to reproach me with my departure, that proof of thy guilt and cruelty? Then it was, conscript fathers, that I received the immortal proofs of your love and regard for me, when you checked the fury and petulance of that abject half-dead wretch, not by murmurs, but loud acclamations. Dost thou reproach me with the grief of the senate, the sorrow of the equestrian order, the mourning of Italy—with the senators having thrown up all public concerns for the space of a whole year, with the continued silence of our courts and forum, and all the other wounds given the state by my departure? Allowing it to have been unfortunate, it was still more worthy of compassion than reproach; rather to be accounted glorious than infamous; and what was only an affliction to me covered you with guilt and infamy. What I am going to say will perhaps appear somewhat strange, but I shall always speak what I think. Since, then, conscript fathers, I have been so highly favoured and honoured by you, I am

* It was usual for the Roman magistrates before they set out for their provinces to go and pay their devotions in the capitol, after which they began their march out of the city, habited in a rich robe of purple or scarlet interwoven with gold, and were generally accompanied with a vast retinue.

so far from looking on my departure as a calamity, that it seems to me to have been an event to be wished for, and greatly desired for the increase of my personal glory, if indeed I can have any glory, as I scarce can, separate from that of the state. But to compare the day of my greatest sorrow with that of your greatest joy, which do you think a wise and good man would prefer? to leave his country, as I did, with the prayers of all his countrymen for his safety, welfare, and return; or, as happened to you on setting out for your province, to have the curses and imprecations of all, and their wishes that that journey might be your last? By Jove, had I incurred such universal hatred, especially such just and deserved hatred, I should have preferred flight at any rate to any province whatever.

But to proceed: if my departure, which was the most tempestuous period of my life, be preferable to your calmest days, what comparison will the rest admit of, so full of infamy to you and of dignity to me? On the kalends of January, the first day that shone on the state after my eclipse and fall, when all Italy flocked together, a full senate, with the assent of the Roman people, unanimously recalled me, on a motion made by that renowned and brave citizen P. Lentulus. The same senate, by its own authority, recommended me, in consular letters, to foreign nations, to our lieutenants, and magistrates; not as one banished from his country, as you, Insubrian, used to express yourself—but, to use their own language, as a citizen, and the saviour of the state. For my preservation alone the senate thought proper, by the voice and letters of a consul, to implore the assistance of our fellow-citizens throughout all Italy, who were concerned for the public welfare. To save my life, all Italy flocked to Rome, at one and the same time, as if on an appointed signal. For my safety, many and weighty were the harangues of P. Lentulus, that worthy man and ex-

cellent consul; of Cn. Pompey, that renowned and invincible Roman; and of the other leading men in the state. The senate decreed, on a motion first made by Pompey, that whoever obstructed my return should be reckoned an enemy to the state; and in such words was the authority of the senate expressed in regard to me, that never was a triumph declared to any person in more honourable terms than those wherein my safety and restoration were conceived. When all the magistrates had published the bill for my return, excepting one pretor, from whom it could not be expected, as he was brother to my enemy, and two tribunes of the people, who were bought at common auction,* P. Lentulus, the consul, proposed the law in the comitia by centuries, with the consent of his colleague Q. Metellus, whom the interests of the state, which had set us at variance in his tribuneship, united with me in his consulship, by means of the courage and wisdom of that excellent person. In what manner this law was received it is needless for me to mention. I learn from yourselves that no citizen was allowed to be absent on any pretence whatever; that a greater or more splendid appearance was never seen at any comitia. This I myself know, for I find it in the public registers, that you solicited for me, that you distributed the tablets, that you took care to prevent any fraud in collecting the votes; and that, for my safety, you did, of your own accord, without any solicitation, what your age and dignity exempt you from, even when your kinsmen are candidates for public honours.

Compare now, thou Epicurean, brought from the sty, not from the school; compare, if thou darest, thy absence with mine. You obtained a consular province under such regulations as were prescribed

* These tribunes were Sex. Attilius Serranus and Num. Quintius. This is said in allusion to the manner of selling slaves

by your ambition, not such as were fixed by your son-in-law: for by that just and excellent law of Cæsar,* free nations enjoyed their liberty in the strict and proper sense; but by that law which none besides you and your colleague ever thought a law, all Achaia, Thessaly, Athens, and Greece was given up to you. You had an army, not such as the senate and people of Rome gave you, but such as your ambition could raise. The treasury too was exhausted by you. What exploits did you perform in this command, with this army, with this consular province? Do I ask what exploits he performed? No sooner was he arrived—I shall not yet mention his rapines, the money he extorted, took, or exacted, the execution of our allies, the murder of those who entertained him, his perfidy, barbarity, and crimes: by-and-by, if you think proper, I shall dispute with him as with a thief, as with one guilty of sacrilege, as with a cut-throat; at present I shall confine myself to compare the ruins of my fortune with the splendour of his imperial command. Who ever obtained the government of a province, with an army, that did not send letters to the senate? Such a province too, and such an army; especially such a province as Macedon, which is surrounded with so many barbarous nations, that our Macedonian governors have never had any other barrier to it but that of swords and javelins; a province from which few persons of pretorian dignity have returned without a triumph; and none of consular dignity whose honour was without a stain. This is something uncommon; but, what is still more so, this vulture of Macedon had the title of emperor, forsooth.

Did you, even then, my Paulus,† presume to send

* The law here referred to was that made by Cæsar in his consulship, A. U. C. 694; whereby Achaia, Thessaly, and all Greece were left entirely free.

† Æmilius Paulus obtained a complete victory over Macedonia, A. U. C.

letters to Rome, wrapped in laurel? He says he did. Who ever read them? Who moved that they should be read? for it signifies nothing to me at present whether, stung by a sense of your crimes, you never presumed to write to that body which you had slighted, which you had persecuted, which you had abolished; or whether your friends concealed your letters, and thus by their silence condemned your rashness and impudence. And indeed I know not whether I had rather you should seem void of all sense of shame in sending letters, and that your friends should be persons of more modesty and judgment, or that you should seem more modest than usual, and your conduct be uncondemned by your friends. But supposing you had not, by your cruel outrages against the senate, cut yourself off for ever from all favour with it, what was done in that province on which you could write to it with any manner of congratulation? Was it the harassing of Macedon? the shameful loss of towns? the plundering of our allies? the laying waste their lands? the fortifying Thessalonica? the blockade of our military causeway? the destruction of our army by the sword, by famine, by cold, and by pestilence? Your writing nothing to the senate shows only, that as you were more wicked in Rome than Gabinius, you were somewhat more modest in your province than he: for that rioter, born for his belly only, and not for glory and honour, after having deprived the Roman knights in his province, and the farmers of the customs, united with us both in inclination and dignity, all of them of their fortunes, and some of them of their reputation and lives; after having done nothing with his army but plundered cities, laid waste lands, and pillaged houses, had the impudence (and indeed what is it he has not the impudence

585; and as Piso had Macedonia for his province, and conducted himself in it so ingloriously, Cicero, by way of derision, calls him Paulus.

to do?) to petition the senate by letters for a supplication.

Immortal gods! and shalt thou, shall you, ye twin whirlpools and rocks of the state, decry my fortune, and extol your own? You, who have borne the indelible marks of the foulest infamy, while such decrees of the senate were passed concerning me, even in my absence; such assemblies were held, such commotions happened among all our municipal cities and colonies, such resolutions were made by the farmers of the revenue, by the colleges; and, in a word, by all ranks and conditions of men, as I not only durst never have wished for, but could not even have conceived. Were I to see thee and thy colleague Gabinius fastened to a cross, would the sight of your mangled bodies give me greater pleasure than I feel from the loss of your reputation? Nothing is to be deemed a punishment which, by some accident or other, may happen even to the brave and virtuous. And this is the doctrine even of your men of pleasure among the Greeks; whom I wish you had heard, as they ought to have been heard; you would never, in that case, have plunged into such an abyss of crimes. But you hear them in your stews; you hear them amid your debaucheries; you hear them in your feasts and over your bottle: even those who define evil by pain, and good by pleasure, give out that a wise man, though he were shut up in the bull of Phalaris,* and broiled with flames applied to it, would still declare that his condition was agreeable, and that he was not in the least moved: such, they allege, is the power of virtue, that it is impossible for a good man not to be happy. What, then, is pain? what is punishment?

* Phalaris was a cruel tyrant of Agrigentum, famous for shutting up men in a brazen bull, and putting fire under it. This engine of cruelty was made by one Perillus, who thought it would be a welcome present to Phalaris; and is said to have been ordered by the tyrant to be first shut into it, in order to prove his own work.

It is, in my opinion, what can happen to none but the guilty—premeditated villany; the pangs and horrors of remorse, the hatred of all the virtuous, a mark of infamy inflicted by the senate, the loss of dignity.

To me neither M. Regulus, whom the Carthaginians, after having cut off his eyelids and shut him up bound in a chest, killed by keeping him from sleep, seems to have suffered punishment; nor C. Marius, whom Italy, which he had saved, saw sunk in the marshes of Minturnæ; and Africa, which he had subdued, saw banished and shipwrecked; for these are the blows of fortune, not the consequences of guilt; but punishment is suffering for crimes. Nor would I, were I to imprecate evils on you, as I have often done, when the gods have heard me, pray for diseases, death, or tortures. That imprecation of Thyestes is only an art of the poet to move the minds of the vulgar, not those of the wise: "May you, after being shipwrecked, hang by your side, with your bowels dropping out on the flinty rocks, besmearing them with blood and gore!"* Had such a thing happened to you, I should not have been concerned at it; but this is what may befall any man. M. Marcellus,† who was thrice consul, and eminent for his virtue, piety, and abilities in war, perished on the sea; yet he still lives in the annals of fame, crowned with glory. Such a death is to be deemed an accident, not a penalty. What, then, is suffering? what is punishment? what are the pointed rocks? what is the cross? Behold two commanders in the provinces of the Roman people, at the head of armies, with the title of emperors; yet one of these was so struck with the sense of his guilt and crimes, that he did not even dare to send a letter to

* This is a passage from the Thyestes of Ennius.

† This was not the famous Marcellus who conquered Syracuse, but his grandson, who was shipwrecked in Africa soon after the beginning of the third Punic war.

the senate; from a province, too, of all others the most fertile in triumphs. It is but lately that L. Torquatus, a man of the most distinguished merit, was, at my instance, saluted emperor from this province, on account of his glorious actions: from it, too, within these few years, we have seen the well-won triumphs of Cn. Dolabella, C. Curio, and M. Lucullus; and yet from this province, during your command in it, not so much as a messenger was sent to the senate. From Gabinius letters were brought: they were read, too, and a motion made on them in the senate. Immortal gods! could I even have wished my enemy to be marked with such infamy as none but himself ever suffered? That the senate, who are now got into such a habit of generosity as to bestow new honours on those who have conducted themselves well in the administration of public affairs, both by increasing the number of thanksgiving days, and by peculiar terms of respect; that the senate, I say, should not believe what was contained in the letters of this fellow alone? should deny what he requested in them?

What gives me the greatest pleasure, delight, and satisfaction is, that this order think no otherwise of you than they do of their most inveterate enemies; that you are hated by the Roman knights, by the other orders, and by the whole state; that there is not a worthy man, not a single citizen, provided he remembers he is such, whose eyes do not shun you, whose ears are not offended with the very mention of your names, whose soul does not abhor you, and who is not shocked even at the remembrance of your consulship. This is what I always wished might befall you, what I always desired, what I always prayed for. Nay, more has befallen you than I could have wished; for that you should lose your army I certainly never wished: this too happened besides my wishes, though very agreeably to my inclination; for it did not enter into my thoughts to wish you should fall into that phrensy and madness

into which you did fall, though this I should have wished for. But it had escaped me, that such is the punishment irrevocably ordained by the immortal gods against the impious and the guilty: for you must not imagine, conscript fathers, that the wicked, as you see in theatrical representations, are haunted by the blazing torches of furies, sent by the gods as instruments of their vengeance; it is personal villany, personal guilt, personal crimes and presumption, that rob men of the use of reason and soundness of judgment. These are the furies, these the flames, these the torches of the wicked. Am not I to look on you as a madman, as a fury, as one that has lost the use of his reason; as more frantic than Orestes or Athamas in the play, for having first dared (for that is the principal thing) to leave the province of Macedonia, into which you had transported so great an army, without a soldier to defend it; and then, not long ago, to confess this when urged to it by Torquatus, a man of the greatest weight and integrity? I pass by your having lost the greatest part of your army; let that be deemed your misfortune: but what reason can you give for having dismissed it? what authority, what law, what decree of the senate, what right, what precedent can you allege for this? what else is madness but being ignorant of men, being ignorant of laws, of the senate, of the constitution? To mangle one's own body is an inconsiderable degree of madness, in comparison of this mangling of life, of reputation, and safety. Were you to dismiss your family, which belongs to yourself alone, your friends would think you deserved to be put under confinement: and had you been in your senses, would you have dismissed the guards of the Roman people, the defence of the province, without the orders of the senate and people?

But what did your other self? After having squandered that immense plunder which he had drawn from the officers of the revenue, from the

lands and cities of our allies, after part of that plunder had been absorbed in the abyss of his pleasures, another part of it consumed by new and unheard-of refinements in luxury, and part of it by the purchases and alterations which he made in those places, where he pulled down every thing to raise this Tusculan mount; being now reduced to poverty, and a stop put to that enormous and insufferable fabric, he sold himself, the badges of his office, the army of the Roman people, the sacred prohibition of the immortal gods, the answer of their priests, the authority of the senate, the orders of the people, the renown and dignity of their empire, to the Egyptian king.* Though the bounds of his province were enlarged according to his desires, according to his wishes, according to the price and danger at which he had set my head, yet could he not confine himself to these; he brought his army out of Syria. What right had he to bring them out of their own province? He enlisted himself under the king of Alexandria as a mercenary attendant; what could be more infamous than this? He came into Egypt; he fought against the Alexandrians: when did either this order, or the people of Rome, undertake that war? He took Alexandria: what greater instance of madness can we expect he should be guilty of, unless it be this, that he should send letters to the senate with an account of his exploits? Had he been in his senses, had not his country and the immortal gods been avenged of him by the severest of all punishments—those of fury and madness,—would

* Ptolemy, being driven out of his kingdom by his own subjects, on account of his tyrannical government, went to Rome to beg the assistance and protection of the senate. The Sibylline books were consulted on the occasion, and these absolutely prohibited the Romans from restoring an Egyptian prince by force of arms. Gabinius, however, tempted by Ptolemy's gold and the plunder of Egypt, and encouraged also, as some authors say, by Pompey himself, undertook to replace him on the throne with his Syrian army; which he executed with a high hand, and the destruction of all the king's enemies, in open defiance of the authority of the senate and the direction of the Sibyl.

he have dared, I do not say to leave his province, but to draw out his army, to carry on war of himself, to advance into a kingdom without orders from the senate or people? All which are forbid in the most express terms by many ancient laws, as well as by the Cornelian law on treason,* and the Julian law on extortion; but this I pass over. Had he not arrived at the height of madness, would he have dared to take to himself a province which P. Lentulus, one of the best friends of this order, had, without any hesitation, quitted on a principle of religion, though both the authority of the senate and the lots had bestowed it on him; a proceeding which, if it had not been contrary to religion, was yet forbid by the practice of our ancestors, by numerous examples in the state, and by the severest penalties of our laws.

But since we have begun to compare our fortunes, let us say nothing concerning the return of Gabinius: which, though he himself has cut off, yet, such is the impudence of the man, that I expect he will return. Let me, if you please, compare your return with mine. Now such was mine, that all the way from Brundusium to Rome I beheld all Italy drawn out in one continued body; nor was there a country, a municipal town, a prefecture, a colony, which did not send a deputation to pay me their compliments. Need I mention my approaches? the crowds of people that came from the towns? the concourse of masters of families with their wives and children from the country? and those days which, on my approach and return, were celebrated all over Italy, as if they had been the festivals and solemnities of the immortal gods? One day was worth an immortality to me,—the day of my return

* This law, the author of which was L. Cornelius Sylla, made it treason to lead an army out of a province, or to engage in a war, without special orders, or to endeavour the ingratiating one's self so with the army as to make them ready to serve his particular interest; and assigned the punishment of water and fire to all that should be convicted of any of these crimes.

to my country; when I saw the senate and the whole Roman people come forth to meet me; when Rome herself seemed to spring forward from her foundations to embrace her deliverer. For such was the manner in which she received me, that not only men and women of all ranks, ages, and conditions, of every fortune, and of every place, but even the very walls, the dwellings, and temples of the city, seemed to wear the face of joy. In the following days the priests, the consuls, the conscript fathers, put me in possession of that very house from which you had driven me, which you had plundered, which you had set fire to; and, what had never happened before, they decreed that my house should be rebuilt at the public charge. I have given you an account of my return; compare it now, in your turn, with your own; when, after having lost your army, you brought nothing home entire but your brazen front, that old companion of yours. First of all, who knows which way you came with your laurelled lictors? what by-ways, what windings and turnings did you pursue, in your search after every solitude? what corporation saw you? what friend invited you? what host regarded you? Did you not prefer the night to the day? being alone to being in company? an inn to a city? So that you did not seem to return from Macedonia like a glorious commander, but to be brought back from it like a foul carcass. As for your arrival, it polluted Rome itself.

Thou disgrace, not to the Calphurnian family, but even to the Calventian! not to this city, but to the corporation of Placentia! not to thy father's race, but to thy trousered alliance!* In what manner didst thou come? was there one, I will not say of these, or our other citizens, but of thy own lieutenants, who came out to meet thee? For L. Flaccus,

* Cicero here means the Gauls, from whom Piso was descended by the mother; part of whose dress was a kind of trousers.

a man very unworthy of such a lieutenancy as yours, and more worthy of bearing a part in those measures for preserving the state,* in which he was engaged with me during my consulate, was with me when somebody told us that you was seen not far from the gate, strolling about with your lictors. I know too that my friend Q. Marcius, one of the bravest of men, well skilled in military affairs, one of those lieutenants whose courage in battle procured you the title of emperor, when you was not a great way from Rome, was at his own house doing nothing. But why should I reckon up those who did not come out to meet you, when scarce one of the officious tribe† of candidates met you, though they were all publicly apprized and invited that very day, and several days before? There were short gowns ready for your lictors at the gate, which they exchanged for their cassocks, and by this means gave a new face to their general's train. Thus a governor of Macedonia, with such an army, and such a province, conveyed himself into the city, after three years, in such a manner that no pedler had ever a more private return. And yet this modest gentleman, so well prepared for his defence, reproaches me on this head. After I had said that he entered by the Cælimontane gate, like a man of spirit, he offered to lay that he entered by the Esquiline; as if it had been either incumbent on me to know this, as if any of you had heard of it, or as if it had been of any consequence in the present affair through what gate you entered, if it was not

* This L. Flaccus was pretor in Cicero's consulship, and performed no inconsiderable services to his country during Catiline's conspiracy; for which he received the thanks of the senate.

† Those who stood candidates for public honours generally declared their pretensions about a year before the election; all which time was spent in gaining and securing of friends. For this purpose they used all the arts of popularity, making their circuits round the city very often; and in their walks taking the meanest persons by their hands, and talking to them in a familiar manner: whence Cicero here calls them "the officious tribe."

through the triumphal; a gate which, before you, was always open to Macedonian proconsuls. You are the only person with consular authority who, on your return from Macedonia, have not been honoured with a triumph.

But, conscript fathers, it was a philosopher you heard speak. He denies that he had ever any passion for a triumph. Thou execrable wretch! thou plague! thou foul reproach of this state! while you were destroying the senate, exposing to sale the authority of this order, hiring out your consulate to a tribune of the people, subverting the state, betraying my life and safety, all for the sake of a province; if you did not aspire after a triumph, with what passion will you pretend that you was animated? for I have often seen men, who appeared both to me and to others too fond of a province, cover and conceal their ambition with the specious name of a triumph. It was thus that D. Silanus, when consul, and my colleague too, used to talk in this assembly; and no person indeed can desire the command of an army, and openly solicit it, without making his desire of a triumph a colour for his ambition. Supposing the senate and people of Rome had obliged you to take the command of an army, without your desiring it, nay, when you declined going to the war, it would still have discovered a narrow and abject spirit, to despise the honour and dignity of a just triumph: for as it is a proof of levity to hunt after empty applause, and to pursue every shadow of false glory, so it shows a mean spirit, that shuns bright renown, to refuse genuine glory, which is the noblest reward of real virtue. But when that province was bestowed on you as the wages, not of having unhinged, but of having ruined the state, so far from being desired and obliged by the senate, that the senate was forced to give way to it; so far from being solicited by the Roman people, that not a free suffrage was given in your favour; when this was

the stipulated reward of all your crimes, that, if you would deliver the whole commonwealth into the hands of infamous robbers, you should have Macedonia adjudged to you, with whatever bounds you pleased to set to it; when you drained the treasury, stripped Italy of her youth, passed a great extent of sea in the winter time, if all this while you slighted a triumph, what blind passion, frantic ruffian, hurried you on, if it was not a passion for rapine and plunder? Cn. Pompeius is not now at liberty to follow your advice; for he has erred. He had no relish for your philosophy: foolish man! he has already triumphed three times. Crassus, I blush for you; after having finished a most formidable war, what made you so very desirous of having a laurel crown decreed you by the senate? P. Servilius, Q. Metellus, C. Curio, P. Africanus, why did you not listen to this very knowing and learned gentleman, before you suffered yourselves to be thus seduced? Even my friend C. Pontinus is not now at liberty, having begun the religious rites. Foolish Camilli, Curii, Fabricii, Calatini, Scipios, Marcelli, Maximi! silly Paulus! stupid Marius! what ignorance it showed in the fathers of both these our consuls to triumph!*

But since we cannot alter what is past, why does not this Epicurean dwarf, this composition of loam and clay, give these fine precepts of philosophy to his son-in-law, that great and renowned commander? Believe me, that gentleman is influenced by glory; he is heated, he is fired with the desire of a just and noble triumph. He has not received the same lessons that you have done. Send him your instructions in writing: but, in the mean time, in case you should happen to meet with him, consider what

* This oration was made in the second consulship of Pompey and Crassus; both whose fathers had obtained the honour of a triumph; Pompey's, for his victory over the Picentes; Crassus's, for that over the Spaniards.

words you must make use of to stifle and extinguish the flames of his ambition. You, who are a man of moderation and steadiness, will prevail over one carried about on the wings of ambition; his ignorance will give way to your learning, and the son-in-law will yield to his father; for as you are a man of pleasantry, have a graceful manner of persuading, and are just come from the schools thoroughly accomplished and polite, you will say to him, "Pray, Cæsar, what makes you so highly delighted with thanksgivings, so often decreed, and for so many days? Mankind are certainly in an error as to this; these things are what the gods neglect: for they, as our divine Epicurus says, are neither favourable to, nor angry with, any one." You will never have it in your power to convince on this head; for you shall see that the gods both have been, and are, still angry with yourself. Accordingly, you will pass from this to another topic, and talk of a triumph. "Now, after all, what is there in that chariot? in those princes led before it in chains? in these representations of towns? what is there in that gold? in that silver? in those lieutenants and tribunes on horseback? in those shouts of the soldiers? what in all that pomp? Believe me, the whole is vanity; all that catching at the acclamations of the people, being carried in procession through the streets, and gazed at by the mob, are scarce amusements for schoolboys: there is nothing solid in them; nothing that can contribute to the pleasure of the senses. T. Flaminius, L. Paulus, Q. Metellus, T. Didius, and a great many more, carried away by a silly ambition, triumphed on their return from this province; but my return, you see, was of a very different kind. When I came to the Esquiline gate, I trod under foot the Macedonian laurel: with fifteen ragged attendants, I came, and very dry indeed I was, to the Cælimontane gate, where one of my freedmen had hired a house for me, as renowned a commande

as I was, only two days before; and if that house had not happened to be empty, I should have pitched my tent in the field of Mars. In the mean time, Cæsar, despising all the pageantry of a triumph, I have and shall have money lying for me at home. I immediately gave in my accounts to the treasury, according to your law;* and it was the only thing wherein I obeyed that law; which accounts, if you look into, you will see that no person has profited more by arithmetic than myself; for they are written in so nice and masterly a manner, that the clerk who carried them to the treasury, after having registered them, scratching his head with his left hand, muttered to himself, 'the account is here sure enough, but the cash is gone.'" By this speech, I make no doubt but you will be able to stop your son-in-law, even though he were mounting his car.

Thou mean, filthy, dirty wretch, who hast forgot thy father's family, and scarce rememberest that of thy mother! There is something in thee, I know not what, so low, so abject, so worthless, so sordid, that thou art a reproach even to thy grandfather, who was a common crier at Milan. L. Crassus, a man of the greatest wisdom in our state, traversed almost every foot of the Alps with his javelins, that he might find some subject for a triumph in a place where he could meet with no enemy. The same passion fired C. Cotta,† a man of the most distinguished abilities, though without any declared enemy to wage war with. Neither Cotta nor Crassus triumphed; the one being deprived of that honour by his colleague, the other by death. You laughed not long ago at M. Piso's passion for a triumph; a pas-

* C. Julius Cæsar made a law, A. U. C. 691, whereby governors at the expiration of their office were obliged to leave a statement of their accounts in two cities of their provinces, and on their arrival at Rome to deliver in a copy of the said accounts at the public treasury.

† After the senate had decreed a triumph to Cotta, he died the day before it was to be celebrated, of the breaking out of a wound which he had received several years before.

sion, you said, very different from what you were animated with: but although Piso carried on an inconsiderable war, as you have told us, yet he did not think that honour contemptible. You, who have more learning than Piso, more understanding than Cotta; a greater share of abilities, wisdom, and genius than Crassus; despise those things, which those idiots, as you call them, deemed glorious. But though you blame them for having been ambitious of laurels, when they had conducted either no wars at all, or very inconsiderable ones, yet you, who have subdued such powerful nations, and performed such mighty exploits, ought not to have slighted the fruit of your toils, the rewards of your dangers, the badges of your valour: nor did you slight them indeed, though wiser than Themista:* you were unwilling to have your brazen front battered with the reproaches of the senate. You see now, since I have been so far my own enemy as to compare myself with you, that my departure, my absence, and return so far surpassed yours, that I derived immortal glory from mine, and you lasting infamy from yours. And now, as to our daily and constant manner of living in town, will you take on you to prefer your splendour, your interest, the number of your clients, your practice at the bar, your advice, your assistance, your authority, your weight in the senate, to mine; or, to speak more properly, to those of the meanest and most desperate man living?

To begin then: the senate detests you, and justly, as you yourself allow; since you have not only subverted and destroyed its dignity and authority, but its very name and order: the Roman knights cannot bear the sight of you, since in your consulship L. Ælius, the most illustrious man of that order, was

* This Themista, according to Laertius, was the wife of one Leonteus, and a very learned lady: she was contemporary with Epicurus, and a great admirer of his philosophy.

banished: the commons of Rome wish your utter ruin, for you made them fall under the infamy of what you did against me by means of slaves and robbers: all Italy curses you for having, with the utmost arrogance, rejected their decrees and entreaties. Make trial, if you dare, of so great and universal a hatred. Very soon will be celebrated the most splendid and magnificent games in the memory of man, such as not only have never heretofore been exhibited, but such as, I firmly believe, never will hereafter.* Show yourself to the people; trust yourself in the theatre. Are you afraid of being hissed? what has become of your philosophy? do you fear being clapped? that is below the regard of a philosopher, surely. You are afraid they should lay hands on you; for, according to your philosophy, pain is an evil; as for reputation, shame, infamy, disgrace, they are only empty words: but I am confident he will not dare be present at the games. Nor will he make his appearance at the public entertainment for the sake of the honour that attends it, unless perhaps he come to sup with P. Clodius, I mean with his dear companions, but merely for his diversion. The games he will leave to us idiots; for in his disputations he is wont to prefer the pleasures of the belly to whatever gratifies the eyes and ears: for whereas you formerly thought him only a knavish, cruel pickpocket, and now consider him as rapacious, sordid, obstinate, haughty, deceitful, perfidious,

* The shows with which Pompey entertained the people at the dedication of that grand theatre which he built at his own charge for the use and ornament of the city are here referred to. According to the accounts we have of them, by Roman authors, they were the most magnificent that had ever been exhibited in Rome. In the theatre were stage-plays, prizes of music, wrestling, and all kinds of bodily exercises; in the circus, horse-races, and huntings of wild beasts, for five days successively, in which five hundred lions were killed; and on the last day twenty elephants, whose lamentable howling, when mortally wounded, raised such a commiseration in the multitude, from a vulgar notion of their great sense and love to man, that it destroyed the whole diversion of the show, and drew curses on Pompey himself, for being the author of so *much cruelty*.

impudent, and daring; you must know besides that there is not a more luxurious, worthless, detestable being on earth. Do not imagine, however, that his luxury has any thing of elegance in it; for though all luxury is base and dishonourable, yet there is a certain species of it more becoming a man of spirit and a gentleman. There is nothing splendid about him, nothing elegant, nothing fine; and, let me commend my enemy, he is expensive in nothing but in his amours. There is not a piece of chased plate in his house; his dishes are of the largest size, and that he may not seem to slight his countrymen, they are Placentine ware; his table is covered, not with delicate dishes of different kinds, but with plenty of salt stinking meat; the servants who wait on him are all shabby fellows, and some of them old ones; one person is both cook and porter; there is not a baker in his house, nor a cellar in it; his bread and his wine are bought from the chandler's shop and the tavern; his Greek guests are crowded together, five, sometimes more, in one of his little beds, while he has one wholly to himself; they drink as long as he serves them from the upper couch: when he hears the cock crow, he thinks his grandfather has risen from the dead, and orders the table to be removed.

It will be asked, perhaps, how came you to know this? Why, truly, I will draw a character of no person for the sake of abuse, especially of a man of genius and learning; for such, were I ever so willing, I cannot hate. There lives with this wretch a certain Greek, who, to speak the truth, is an ingenious man, for I know him to be so;* but he shows himself such only when with other people than him, or when by himself. This person happening to see Piso when a young man, with that severity of aspect

* The name of this Greek was Philodemus, an Epicurean philosopher. He is mentioned by Cicero as a man of great worth and learning.

which he wore even then, did not decline his friendship, especially as Piso courted him, but ran into an intimacy with him in such a manner that they lived together, and were almost inseparable. I am not now speaking before illiterate persons, but before an assembly which I know to be composed of men of the greatest learning and politeness. The Epicurean philosophers then, you must have heard, measure every thing which ought to be the object of human wishes by pleasure; whether justly or not, does not concern us; or, if it does, is nothing to the present purpose; yet such a loose ambiguous way of talking is often very pernicious to young persons, who have not the nicest discernment. Accordingly this brute, as soon as he heard pleasure so highly commended by a philosopher, inquired no farther; but gave such a loose to every polluted appetite, and was so tickled with his manner of speaking, that he thought he had found in him, not a director of his morals, but an encourager of his amours. On this the Greek began, by means of divisions and distinctions, to show him in what sense these maxims were to be taken. But his lame pupil, having once caught the ball, as we say, would not quit it; he took witnesses, and sealed up their depositions, that Epicurus expressly declared there was no real good remaining, if bodily pleasures were taken away. In short, the good-natured, complaisant Greek would not be too obstinate against a Roman senator.

But the person I am speaking of is not only an excellent philosopher, but has likewise a great deal of learning: which, in general, the Epicureans are said to neglect. He has written a poem too, which is so pretty, so full of elegance and humour, that nothing can be more witty and ingenious. If any one has a mind to find fault with this poem, let him, provided he does it without severity; and treat the author, not as a filthy, wicked, and presumptuous wretch, but *as a Greekling*, a flatterer, and a poet. As he was a

Greek and a stranger, he came into the hands of this fellow, or rather happened to fall into them; being imposed on, as this powerful and wise state had been, by that air of severity. When once he was united to him in so strict an intimacy, he could not disengage himself; and, besides, he was afraid of being charged with inconstancy if he should leave him. Being asked, invited, and forced to it, he wrote so much to him, and that on the subject of his wretched self, that he described, in charming verses, all his amours, all his debaucheries; and, in a word, all his different kinds of suppers and entertainments. Those verses if any one has a mind to read, he may see Piso's life represented in them as it were in a mirror. I would repeat some of them, which have been read and heard by many, were I not afraid that the very strain in which I am now speaking was inconsistent with the majesty of this place. Besides, I would not detract in the least from the merits of the author, who, if he had been more fortunate in a pupil, would perhaps have been more grave and serious. But chance has led him into this manner of writing, so unworthy of a philosopher; for philosophy is said to comprehend in it the knowledge of virtue, social duty, and moral conduct: and whoever professes it seems to me to sustain a very important character. Not knowing well what it was he professed, when he took on him the character of a philosopher, chance, which led him to Piso, plunged him likewise into the mire and filth of that most impure and intemperate brute, who, after having praised my conduct in my consulship, if praise from so infamous a fellow is not rather infamy, said to me, "It is not envy that has hurt you, but your verses." The punishment which was decreed under your consulship was too severe either for a bad poet or a free citizen. "But you wrote—'Let arms yield to the gown.'" And what if I did? Why, "it was

the cause of all your calamity."* But it was not written, I think, in that epitaph which, under your consulship, was engraved on the tomb of the republic, "Be it decreed and ordered, that, as M. Cicero has made verses:" no, it was thus, "as M. Cicero has brought to justice."

But as we have in you not an Aristarchus,† but a grammatical Phalaris, who, instead of expunging the verse, are for destroying the poet; I should be glad to know what fault you find with that verse. Why this: you say that the greatest of our generals must give way to your gown. Thou ass! am I now to teach thee thy letters? Why, words will not do, you must have blows. I did not mean the gown I now wear, nor the arms, the shield, or the sword of any particular general; but as the gown is the emblem of peace and tranquillity, and the sword, on the contrary, that of war and tumult, I spoke in the poetical style, and meant no more than this, that war and tumult must give way to peace and tranquillity. Ask your friend, the Greek poet; he will approve of this manner of speaking, own it to be a usual one; nor will he be surprised at your ignorance. "But," says he, "you stick in the latter part of the verse—'Let the laurel yield to eloquence.'" Why truly, sir, I am obliged to you; here, I own, I should have stuck, if you had not helped me out: for when you, trembling, dastardly wretch! with those most rapacious and thievish hands of yours, threw

* Piso, on his return to Rome from his province, trusting to the authority of his son-in-law, Cæsar, had the hardiness to attack Cicero before the senate; and, among other things with which he upbraided him, told him that a single verse of his was the cause of all his calamity, by provoking Pompey to make him feel how much the power of the general was superior to that of the orator. The absurdity of Piso's application of this verse our orator ridicules with great humour.

† Aristarchus was a celebrated grammarian and critic; he flourished at Alexandria about B. C. 176. It is reported of him that he wrote a thousand commentaries on different authors; and that when he did not like a verse of Homer, he marked it with an asterisk, as being spurious.

away at the Esquiline gate the laurel that was taken from your bloody fasces; you declared that the laurel yielded, not only to the highest, but even to the lowest kind of honour. And yet, ruffian, you would have this understood in such a manner as if Pompey had become my enemy on account of that verse; that if the verse has hurt me, my ruin may seem to have been brought on me by the person it offended. Not to mention that Pompey was not pointed at in that verse, nor that I could ever intend to affront, by one verse, the person whom, to the utmost of my capacity, I had often celebrated in many writings and speeches, I shall suppose he was offended. Will he not, in the first place, put the many volumes I have written in his praise in the balance with one silly verse? Again, supposing him somewhat nettled, would he have been so cruel as, for the sake of a trifling verse, to ruin, I do not say an intimate friend, nor one who had done so much to advance his fame, nor one who had deserved so well of the state, nor one of consular dignity, nor a senator, nor a citizen, nor a gentleman, but even a man?

Do you know what, do you know before whom, do you know of whom you are talking? You make the most illustrious persons share in the guilt of your crimes and those of Gabinius; and you do it openly. You said but just now that I vented my spleen against those whom I despised, and did not meddle with those who had more power, and with whom I ought to be offended. But though the views of these persons (for who can be supposed not to know whom you point at?) are not indeed all the same, yet all their views are such as I approve of. Cn. Pompeius, though many opposed his zeal and affection for me, always loved me, always thought me very worthy of his intimacy, always studied, not only my safety, but my grandeur and glory. Your knavish tricks, your villany, the reports of my plots

and his dangers so maliciously invented by you;* and by those who, abusing their intimacy with him, were constantly, at your instigation, filling his ears with the most scandalous stories, your passion for provinces, made me be excluded: and all those who wished well to me, to his glory, and to the state, he removed from his conversation, and from all access to him. Whence it came to pass, that he was not at liberty to follow his own judgment, while certain persons, though they were not able to alienate his affections from me, robbed me of his assistance. Did not L. Lentulus, who was then pretor, did not Q. Sanga, did not L. Torquatus the elder, did not M. Lucullus come to you? When these, and many others, went to Pompey at his Alban seat,† to beg and entreat him not to desert my fortunes, which were inseparably connected with the welfare of the state, he sent them back to you and your colleague, that you might undertake the public cause, and lay it before the senate; declaring that he would not take the field against an armed tribune of the people without public authority; but that, if the consuls would, by a decree of the senate, undertake the defence of the state, he would take up arms. Do you remember, wretch, what answer you made? All those persons, but especially Torquatus, were provoked even to rage at the rudeness and insolence of it; you told them that you was not so stout a consul as Torquatus and I had been; that there was no occasion for arms or fighting; that I might save the

* The Clodian faction, in order to deprive Cicero of so powerful a protection as that of Pompey, employed all their arts to infuse jealousies and suspicions into him of a design formed by Cicero against his life.

† The many letters and messages which Pompey received from the confidants of Clodius, and from his pretended friends, all admonishing him to be on his guard against the plots of Cicero, and to take better care of his life, induced him to withdraw himself from Rome to his Alban villa. We are not to imagine, however, that he entertained any apprehension of Cicero; the part he acted on this occasion was more probably owing to his engagements with Cæsar.

republic a second time by withdrawing myself; that my resistance would occasion the loss of an infinite quantity of civil blood; and, in short, that neither you, nor your son-in-law, nor your colleague would relinquish the party of the tribune. And hast thou yet the impudence, thou public enemy and traitor, to say that I ought to bear greater enmity to others than to thee?

I know that C. Cæsar's political sentiments and mine were different; but, notwithstanding this, as I have often said in this assembly, he desired, he proposed, he invited, he begged of me to share in his consulship,* and in those honours which he communicated to his nearest relations. It was perhaps too great a desire of showing the steadiness of my principles that kept me from joining his party; but I was not fond of entering into a strict intimacy with one whose favours could not even prevail on me to think as he did. It was debated under your consulship, whether his acts of the preceding year should be confirmed or annulled.† What need I say more? If he thought there was so much vigour and courage in me alone that his acts would be abolished if I had opposed them, why should I not pardon him for preferring his own safety to mine? But, to omit what is passed; as Cn. Pompeius espoused my interest with all his zeal, with infinite labour, at the hazard of his life, as he went round the municipal towns in order to serve me, implored the assistance of all Italy, was frequently with P. Lentulus, the

* Cæsar tried all means to induce Cicero to take part in the acts of his consulship; offered him commissions and lieutenancies of what kind, and with what privileges, he should desire; and to hold him in the same rank of friendship with Pompey himself.

† Cæsar had no sooner laid down his consulship than he began to be attacked and affronted by L. Domitius and C. Memmius, two of the pretors; who called in question the validity of his acts, and made several efforts in the senate to get them annulled by public authority. But the whole ended in some fruitless debates and altercations; for Cæsar always took care by force of bribes to secure the leading magistrates to his interest.

consul who first proposed my return, was always ready to declare his sentiments on the matter in the senate, and in assemblies not only professed himself my defender, but even a suppliant for me; knowing that C. Cæsar had great interest, and was withal no enemy of mine, he made him his associate and assistant in all the services he did me. Do you see now that I had reason, not only not to be offended with those persons you described, but to have a friendship for them? One of them, which I shall never forget, was as much my friend as his own: the other, which I shall forget in time, was more his own friend than mine. In a word, it was with us as with brave men; who, though they fight hand to hand, yet, after the combat is over, lay aside their enmity when they lay aside their arms. But Cæsar never could hate me, even when we were at variance: for such is the nature of virtue, the very shadow of which you are a stranger to, that the beauty of its appearance even in an enemy captivates the brave.

And indeed, conscript fathers, I will tell you my real sentiments, and what I have often already declared in your hearing. Though C. Cæsar had never been my friend, but had always shown a disinclination to me; though he had slighted my friendship, and acted the part of an intolerable and implacable enemy towards me; yet after the great things he has done, and still continues to do, I could not help loving him. While he commands, we have no need of the rampart of the Alps to guard us against the inroads of the Gauls, nor of the ditch of the Rhine, so full of whirlpools, against those of the savage nations of Germany; were the mountains themselves levelled, and the rivers dried up, Italy, though deprived of all the barriers of nature, would by his victories and exploits alone be strongly fortified. But, as he has the highest esteem and affection for me, and deems me worthy of all manner of honour; *shall* you draw me off from my quarrel with you to a

breach with him? Shall you thus, by your villanous arts, make the wounds of your country bleed afresh? Though you well knew my intimacy with Cæsar, you affected not to know it, when you asked me, though with trembling lips, why I did not impeach you? As for my part, "I shall never rid you of that concern, by denying it to you;"* I must consider, however, how much trouble and uneasiness I, who am so zealous a friend, should thereby give one who has so important a war on his hands, and public concerns of such consequence to embarrass him. Yet I am not without hopes, notwithstanding the spiritless inactivity of our young Romans, and their want of due ardour in the pursuit of glory and fame, that there are some among them who will be disposed to strip this despicable carcass of the consular spoils; especially when the criminal is so dispirited, so feeble, so enervated a wretch as you, who have conducted yourself in such a manner as to show you was apprehensive of being thought unworthy of the favour conferred on you, if you did not exactly copy after that worthy gentleman who sent you.

Do you imagine that I have slightly traced the stains of your government and the ravages of your province? No; I have not gone on the scent of them, but have closely pursued you through all your steps into your very lurking holes and wallowing places. The very first villanies you were guilty of on your arrival I marked; when, after having received a sum of money from the inhabitants of Dyrrachium for murdering Plator, the person who entertained you, you demolished the house of the man whose blood you had set to sale; whom, after receiving musical slaves and other presents from him, you encouraged, when under the most perplexing apprehensions, and ordered indeed to come to Thes-

* This is a verse taken from the Atreus of the poet Accius.

salonica, giving him your promise as a pledge of his safety; whom you did not even put to death according to the custom of your ancestors,* but when the poor wretch begged to yield his neck to the axes of his guest, ordered the physician whom you carried with you to open his veins. To the murder of Plator you added that of his companion Pleuratus too, whom you scourged to death, though sinking into the grave with the weight of years. After selling yourself for three hundred talents to king Cottus, you likewise beheaded Rabocentus, a principal person among the Bessians; though he came to your camp as an ambassador, with a promise of assistance, and a large body of auxiliaries, both of horse and foot. You waged an unjust and cruel war against the Denseletæ, a nation always obedient to our government: and which, even during that total defection of the barbarians in Macedonia, defended C. Sentius the pretor; and you might have made use of them as most faithful allies; you chose rather to have them inveterate enemies. Thus you rendered those who always defended Macedonia the ravagers and destroyers of it. They have occasioned the utmost disorder in our revenues, taken our cities, laid waste our lands, reduced our allies to slavery, carried off their slaves, drove away their cattle, and obliged the inhabitants of Thessalonica, when they despaired of being able to defend the city any longer, to fortify themselves in the citadel.

By you the temple of Jupiter Urius† was plundered, a temple, the most ancient and sacred among the barbarians. The immortal gods have avenged themselves for your crimes on the persons of our soldiers, who being all seized with the same kind

* The usual way of putting state criminals to death was, first by scourging them with rods, and then beheading them.

† This temple lay between the Thracian Bosphorus and the city of *Trebizond*.

of disease, and it proving fatal to every one whom it attacked, nobody questioned but that the violation of the laws of hospitality, the murder of ambassadors, the waging unjust wars against peaceful allies, the plundering of temples, have been the cause of so dreadful a desolation. By this small specimen of your villanies and cruelty you discover the whole. Need I represent at large thy avarice, which is complicated with an infinite number of other crimes? I shall only mention, in general, those instances of it, that are most notorious. Did you not leave at interest in Rome eighteen millions of sesterces, the sum at which you valued my head, and which was given you out of the treasury for domestic uses? When the people of Apollonia gave you two hundred talents at Rome, in order to be excused from paying their debts, did you not deliver up Fufidius, a Roman knight of the most distinguished accomplishments, into the hands of his debtors? When you sent your lieutenants with their troops into winter-quarters, did you not utterly ruin those wretched cities into which they were sent, and which were not only stripped of their wealth, but obliged to undergo the most infamous outrages of brutal ferocity What rule did you observe in the valuation of corn?* what in the valuation of the free gift? if what is extorted by violence and threats can be properly called a free gift. This was what the inhabitants of most of the cities felt, but especially those people of Bœotia, Byzantium, Chersonesus, and Thessalonica. During the space of three years you was the sole proprietor, the sole valuer, the sole retailer of corn throughout the province.

Need I mention your conduct in criminal trials, your bargains and compromises with the accused,

* The Roman provinces were obliged to pay a certain quantity of crop, commonly the tenth part of their corn. This corn the Roman magistrates had a power of converting into money at a certain valuation, which was a source of grievous oppression in the provinces.

your rigorous penalties, and your arbitrary acquittals? When I have once shown you that I am no stranger to some parts of your conduct under those heads, you may then recollect how numerous and highly aggravated your crimes are on the whole. To begin then: do you remember any thing of that magazine of arms, when, having got together all the cattle of the province, you renewed all that profit which was made by your father and others of your family on skins? for being a great boy in the Italian war, you saw your house filled with the profits of that trade, when your father had the direction of the manufacture of arms. Do you remember how you made a whole province tributary, by laying a certain tax on all vendible commodities, and farming out that tax to your slaves? Do you remember how military commissions were exposed to open sale? how the officers had their ranks assigned them by the meanest of your slaves? How the soldiers' pay was raised from the cities every year, offices being publicly erected for that purpose? What shall I say of your march to, and attempt on, Pontus?* Of the dastardly, abject spirit you discovered, when, on being told that Macedonia was declared a pretorian province, you dropped down pale and motionless, not only because you had got a successor, but because Gabinius had got none? Of your rejecting a questor, who had served as edile? of the first and ablest of your lieutenants being all wronged by you? of your rejecting the military tribunes appointed by the people? of your ordering that brave man M. Bæbius to be put to death? What shall I say of your abandoning yourself so often to the most rueful despondency, to tears and lamentations, on a view of the desperate situation of your affairs? What of your sending to that lay priest six hundred of our friends

* There is no mention made in history of what Cicero alleges in this passage. It is probable, however, that Piso's avarice prompted him to make an attempt on Pontus, and that he was repulsed.

and allies to be exposed to wild beasts ?* Do you remember how you retired, when almost overwhelmed with sorrow and affliction at your removal, first to Samothrace, and from thence to Tharsus, with your delicate dancers, and those beautiful brothers, Autobulus, Athamas, and Timocles ? How, on your leaving Tharsus, you lay for some days, in the utmost dejection, at the country-seat of Euchadia, the wife of Exegistus, from whence you stole, in a pitiful, sorry manner, to Thessalonica, in the night, and without the knowledge of anybody ? How, on your not being able to bear the tears of the crowds that flocked round you at Thessalonica, and the tempest of their complaints, you fled to Beræa, an out of the way place; where, being elated with the report and imagination that Q. Ancharius was not to succeed you, you renewed, ruffian that you are, all your former outrages ?

I mention not the money for the triumphal crown which tormented you so long, while you had a mind at one time to take, and at another not to take it: for it was forbid by your son-in-law's statute that such a crown should be either decreed or accepted unless when a triumph was decreed. Notwithstanding this, having received and devoured the money, you was no more able to disgorge it than you was to disgorge the hundred talents belonging to the Achæans. You only alleged another pretence for taking it. I mention not the letters-patent that were sent all over the province; nor the ships that were sent out, and the amount of their prizes; nor the account of the corn that was exacted and demanded; I pass by your depriving nations of their liberty, together with individuals, though they were expressly entitled to privileges: all which acts of oppression were carefully provided against by the Julian laws. At your de-

* Cicero here refers to the shows of wild beasts which Clodius exhibited when he was made curule edile. He is called "lay priest," in allusion to the story of his profaning the mysteries of the Bona Dea.

parture, you curse, you plague of our allies! y ruined poor Ætolia, which is at a great distance fro the barbarous nations, seated in the bosom of peac and situated almost in the centre of Greece. Y confess, by what you just now declared, that t rich and noble cities of Arsinoe, Stratum, and Na pactum* were taken by enemies. But by what en mies? Why those whom, on your first arriv while you were amusing yourself at Ambracia,† y forced to quit the towns of the Agreans and Dol pians,‡ and to relinquish their altars and dwelling On this, when you had added the sudden ruin of Æt lia to your former outrages, like a renowned gener you dismissed your army, and chose rather to u dergo any punishment that was due to so shamef an action, than take an account of the remains your troops.

But to show you the resemblance between tw Epicureans, in their military character, Albuciu after having triumphed in Sardinia, was condemn at Rome. Piso, while he expected the same fat raised trophies in Macedonia; and thus, what oth nations have designed as public memorials of wa like fame and success, this general of ours, the eternal disgrace of his name and family, h raised to a quite contrary purpose, to serve as fat monuments of cities lost, legions slaughtered, a provinces stripped of their troops, and all manner defence: and that there might be something to l engraved on the basis of his trophies, when he cam to Dyrrachium, he was, at his departure, invested t those very soldiers whom he told Torquatus, n long ago, he had freely dismissed on account of the

* The first of these is a city of Ætolia, a small country in Achaia; t second, of Acarnania in Thrace; the third, the capital of Ætolia, n Lepanto.

† Ambracia was a famous city of Thesprotia in Epirus, near the riv Acheron. After Augustus had conquered M. Antony, in memory of l victory he called this city Nicopolis.

‡ The former of these inhabited Ætolia, the latter Epirus.

services. After having sworn to them that he would next day pay them all their arrears, he shut himself up at home; but at midnight he went on board a ship, with sandals on his feet, and, in the habit of a slave, kept clear of Brundusium, and steered for the remotest coast of the Adriatic. The soldiers at Dyrrachium, in the mean time, thinking he was still in the house, began to invest it; and, imagining that the fellow concealed himself, set fire to every quarter of it: the inhabitants of Dyrrachium, being alarmed at this, assured them that their general had made his escape by night in his sandals. On this the soldiers threw down, broke to pieces, and scattered about a statue of his, which was very like him, and which he ordered to be raised in the most public place, that the memory of so agreeable a gentleman might not be lost; thus discharging on his image and effigies that hatred which they were fired with against himself. Having said thus much, therefore, I make no question but that, as you see I am no stranger to your flagrant enormities, you will imagine I am acquainted with the whole detail and series of your crimes. You need not therefore exhort me; you need not solicit me: my being put in mind is sufficient. The time that suits the state, however, shall be my only direction in this; and that time appears to me to be nearer than you ever imagined.

Do you not see, do you not perceive what judges we shall have for the future, according to the law concerning the qualification of judges?* It will not be in the power of every person to be chosen or not, as he pleases. No man will be obtruded on that order, and none arbitrarily exempted: interest shall not be procured there by canvassing for it, nor guilt

* The law here referred to was that promulgated by Pompey in his second consulship, in which this oration was made; whereby the judges were to be chosen otherwise than formerly, out of the richest in every century; confined, however, to the senatorian and equestrian orders, together with the receivers-general, according to the Aurelian law.

be covered by hypocrisy. Such judges alone shall be chosen as the law, not the humours of men, shall make choice of. When this is the case, believe me, you shall have no occasion to provoke an impeachment: the thing itself, and the convenience of the state, shall invite or dissuade either myself, who have no mind to be engaged in it, or some other person. And to repeat what I have but lately said, I am far from thinking, with most men, that condemnation, banishment, and death serve alike for punishments to all: in a word, I see no punishment in what may befall an innocent, a brave, a wise, a good man, or a worthy patriot. That condemnation which all desire to see you fall under was the lot of Pub. Rutilius, who was looked on by this state as a pattern of integrity; but, in my opinion, the judges and the republic were punished more than Rutilius. L. Opimius was driven from his country, who, in his pretorship and consulate, had delivered the state from the greatest dangers; but the penalty of guilt, and the pangs of remorse, did not fall on him who received the injury, but on those who inflicted it.* Catiline, on the other hand, was twice acquitted, and even the wretch to whom you owe your province escaped, though he polluted the shrines of the Bona Dea.† Was there a man in this great city

* In the year of Rome 628, the people of Fregellæ, a town not far from the Liris, formed a plot to throw off the Roman yoke. L. Opimius, then pretor, was sent with an army against them; their city was delivered into his hands by the treachery of Numitorius, and he razed it to the ground: by which piece of severity he is said to have deterred many other Italian towns from breaking out into rebellion, to which, provoked by their disappointment in relation to the freedom of Rome, they were strongly inclined. In his consulship, too, he had full power given him by the senate to do as he thought fit for the good of the state in regard to the disturbances occasioned by C. Gracchus, which he put an end to, though not without the effusion of much blood: and, notwithstanding the praises our orator bestows on him, it is certain he acted, on this occasion, a very cruel and violent part.

† The pollution of the mysteries of the Bona Dea by Clodius raised a general scandal through Rome, and was looked on as a heinous offence to good manners and the discipline of the republic. The honest of all ranks were for pushing this advantage against Clodius as far as it would

who thought that this cleared him of his abominable impiety, or that his judges were not equally guilty?

Am I to wait till seventy-five tablets are distributed in your cause, when men of all ranks, ages, and conditions have long since pronounced you guilty? For where is the man that thinks you worthy of being visited, of receiving the smallest honour, or even a common salutation? The memory of your consulship, your actions, your character; in a word, your very looks and name are abhorred by everybody, and all men wish them banished from the commonwealth. The lieutenants who accompanied you have no regard for you; the military tribunes are your foes; the centurions, and the soldiers that remain of your great army, if any do remain, who were not dismissed but dispersed by you, hate and abhor you, and pray for plagues to fall on you. Achaia utterly ruined by you, Thessaly ravaged, Athens torn to pieces, Dyrrachium and Apollonia destroyed, Ambracia pillaged, the Parthini and Bulienses abused, Epire demolished, the Locrians, Phocians, and Bœotians burnt out of their dwellings, Acarnania, Amphilochia, Perrhæbia, and the country of the Athamanians* sold, Macedon given up to the barbarians, Ætolia lost, the Dolopians and inhabitants of the neighbouring mountains driven from their towns and lands; in a word, the Roman citizens who trade in those places are all sensible that in your single person they found a plunderer, an oppressor, a robber, and an enemy. To those so numerous and weighty testimonies against you is added the

go, in hopes thereby to rid themselves of so pestilent a citizen, who seemed born to raise disturbances in the state. Accordingly, a law was published for bringing him to a trial before the prætor, with a select bench of judges; but every art and instrument of corruption being employed by the Clodian party, twenty-five of the judges only condemned, while thirty-one absolved him.

* Acarnania was a part of Epirus, now Carnia; Amphilochia was a small country bordering on Acarnania; Perrhæbia was a town of Macedonia; the Athamanes were a people of Ætolia.

testimony of your own conscience, which pronounces your condemnation: your secret approach, your clandestine journey through Italy; your not having a friend to attend you when you entered the city; your sending no letters to the senate from your province; no congratulations on your three summer campaigns; no mention of a triumph; your not daring to give an account of your actions; nay, nor even of the places where you have been. When you brought back your withered laurels from that source and nursery of triumphs; when you threw these away at the gates of Rome, you then pronounced your own condemnation. If you did nothing deserving of honour, where is your army? where have you spent your money? what is become of your command? what of your province, so fertile in thanksgivings and triumphs? But if you entertained any hopes, if you had those thoughts, which it is evident you had, from that title of emperor, from those laurelled fasces, and those shameful, ridiculous trophies, can any person be more miserable than you? can any person fall under greater condemnation, since you neither durst write to the senate that you had served your country, nor declare it in their presence.

Have you the impudence to tell me, who have always been of opinion that every man's fortune is to be weighed, not by events, but by actions; that our fame and glory does not depend on the suffrages of a few judges, but on the sentiments of all our fellow-citizens? Do you think that you appear to be uncondemned? you whom our allies, whom our confederates, whom free nations, whom tributaries, whom traders, whom the officers of the revenue, whom the whole state, whom your lieutenants, whom the military tribunes, whom the remains of our army that have escaped from the sword, from famine, and from death, think highly worthy of the severest punishment? You who can never be for-

given your enormous crimes, neither by the senate, nor by the Roman knights, nor by any order of men in the state; neither in the city nor in any part of Italy? You who hate yourself, who fear everybody, who dare trust your cause to no person, and who stand condemned by your own judgment? I never thirsted for your blood; I never wished for that heaviest punishment which is inflicted by our laws, which the virtuous may be exposed to as well as the vicious; but I wished to see you abject, contemptible, despised by others, abandoned by yourself, given over to despair, alarmed at every thing, frightened at the least noise, distrustful of your circumstances, without a voice, without liberty, without authority, without the least shadow of consular dignity, ever fearful, ever trembling, and the servile flatterer of all you met; this I wished to see, and this I have seen. If what you dread, therefore, should befall you, I shall not indeed be sorry at it; but if that should be a slow event, I shall still enjoy your infamy; nor will it give me less pleasure to see you dreading an impeachment than if I saw you impeached; nor less joy to see you always despicable, than to see you in a sordid habit only for a while.

ORATION XII.—FOR T. ANNIUS MILO.

ARGUMENT.

This beautiful oration was made in the fifty-fifth year of Cicero's age, on the following occasion—In the year of Rome 701, T. Annius Milo, Q. Metellus Scipio, and P. Plautius Hypsæus stood candidates for the consulship; and, according to Plutarch, pushed on their several interests with such open violence and bribery, as if it had been to be carried only by money or arms—P. Clodius, Milo's professed enemy, stood at the same time for the pretorship, and used all his interest to disappoint Milo, by whose obtaining the consulship he was sure to be controlled in the exercise of his magistracy—The senate and the better sort were generally in Milo's interest; and Cicero, in particular, served him with distinguished zeal: three of the tribunes were violent against him, the other seven were his fast friends; above all, M. Cœlius, who, out of regard to Cicero, was very active in his service—But while matters were proceeding in a very favourable train for him, and nothing seemed wanting to crown his success but to bring on the election, which his adversaries, for that reason, endeavoured to keep back; all his hopes and fortunes were blasted at once by an unhappy rencounter with Clodius, in which Clodius was killed by his servants, and by his command—His body was left in the Appian road, where it fell, but was taken up soon after by Tedius, a senator, who happened to come by, and brought to Rome; where it was exposed, all covered with blood and wounds, to the view of the populace, who flocked about in crowds to lament the miserable fate of their leader—The next day, Sextus Clodius, a kinsman of the deceased, and one of his chief incendiaries, together with the three tribunes, Milo's enemies, employed all the arts of party and faction to inflame the mob, which they did to such a height of fury, that, snatching up the body, they ran away with it into the senate-house, and, tearing up the benches, tables, and every thing combustible, dressed up a funeral-pile on the spot; and, together with the body, burnt the house itself, with a basilica or public hall adjoining—Several other outrages were committed, so that the senate were obliged to pass a decree, "that the interrex, assisted by the tribunes and Pompey, should take care that the republic received no detriment; and that Pompey, in particular, should raise a body of troops for the common security;" which he presently drew together from all parts of Italy—Amid this confusion, the rumour of a dictator being industriously spread, and alarming the senate, they resolved presently to create Pompey the single consul, whose election was accordingly declared by the interrex, after an interregnum of near two months—Pompey applied himself immediately to quiet the public disorders, and

published several new laws, prepared by him for that purpose; one of them was to appoint a special commission to inquire into Clodius's death, &c., and to appoint an extraordinary judge of consular rank, to preside in it—He attended Milo's trial himself with a strong guard to preserve peace: the accusers were young Appius, the nephew of Clodius, M. Antonius, and P. Valerius—Cicero was the only advocate on Milo's side; but as soon as he rose up to speak he was received with so rude a clamour by the Clodians, that he was much discomposed and daunted at his first setting out: he recovered spirit enough, however, to go through his speech, which was taken down in writing, and published as it was delivered; though the copy of it now extant is supposed to have been retouched and corrected by him afterward, for a present to Milo, who was condemned, and went into exile at Marseilles a few days after his condemnation.

Though I am apprehensive, my lords, it may seem a reflection on a person's character to discover any signs of fear when he is entering on the defence of so brave a man, and particularly unbecoming in me, that when T. Annius Milo himself is more concerned for the safety of the state than his own, I should not be able to maintain an equal greatness of mind in pleading his cause; yet I must own the unusual manner in which this new kind of trial* is conducted strikes me with a kind of terror while I am looking around me in vain for the ancient usages of the forum, and the forms that have been hitherto observed in our courts of judicature. Your bench is not surrounded with the usual circle; nor is the crowd such as used to throng us: for those guards you see planted before all the temples, however intended to prevent all violence, yet strike the orator with terror; so that even in the forum, and during a trial, though attended with a useful and necessary guard, I cannot help being under some apprehensions, at the same time I am sensible they are without foundation. Indeed, if I imagined it was stationed there in opposition to Milo, I should give way, my lords, to the times, and conclude there was no room

* The reason why Cicero calls this a new trial is, because Milo was not tried by the acting pretor, as was usual in criminal cases, but by a special commission and an extraordinary judge. He refers also to the strong guard which Pompey brought to the trial in order to prevent any violence.

for an orator in the midst of such an armed force. But the prudence of Pompey, a man of such distinguished wisdom and equity, both cheers and relieves me; whose justice will never suffer him to leave a person exposed to the rage of the soldiery whom he has delivered up to a legal trial; nor his wisdom to give the sanction of public authority to the outrages of a furious mob.* Wherefore, those arms, those centurions, and cohorts are so far from threatening me with danger that they assure me of protection; they not only banish my fears, but inspire me with courage, and promise that I shall be heard, not merely with safety, but with silence and attention. As to the rest of the assembly, those at least that are Roman citizens, they are all on our side; nor is there a single person of all that multitude of spectators, whom you see on all sides of us, as far as any part of the forum can be distinguished, waiting the event of the trial, who, while he favours Milo, does not think his own fate, that of his posterity, his country, and his property likewise at stake.

There is indeed one set of men our inveterate enemies; they are those whom the madness of P. Clodius has trained up, and supported by plunder, firing of houses, and every species of public mischief; who were spirited up by the speeches of yesterday,† to dictate to you what sentence you shall pass. If these should chance to raise any clamour, it will only make you cautious how you part with a

* Though Pompey was not concerned for Clodius's death, or the manner of it, but pleased rather that the republic was freed at any rate from so pestilent a demagogue; yet he resolved to take the benefit of the occasion for getting rid of Milo too, from whose ambition and high spirit he had reason to apprehend no less trouble. Cicero, being sensible of this, as well as of the great authority and influence of Pompey, endeavours, through the whole of this oration, to remove the effects which they might have on the minds of the judges.

† Munatius Plancus Bursa, one of the three tribunes in opposition to Milo, the very day before this oration was delivered called the people together, and exhorted them to appear in a full body the next day, when judgment was to be given, and to declare their sentiments in so public a manner, that the criminal might not be suffered to escape; which Cicero reflects on as an insult on the liberty of the bench.

citizen who always despised that crew and their loudest threatenings, where your safety was concerned. Act with spirit then, my lords, and if you ever entertained any fears, dismiss them all: for if ever you had it in your power to determine in favour of brave and worthy men, or of deserving citizens—in a word, if ever any occasion was presented to a number of persons selected from the most illustrious orders,* of declaring, by their actions and their votes, that regard for the brave and virtuous which they had often expressed by their looks and words; now is the time for you to exert this power in determining whether we, who have ever been devoted to your authority, shall spend the remainder of our days in grief and misery, or after having been so long insulted by the most abandoned citizens, shall at last through your means, by your fidelity, virtue, and wisdom, recover our wonted life and vigour: for what, my lords, can be mentioned or conceived more grievous to us both? what more vexatious or trying, than that we, who entered into the service of our country from the hopes of the highest honours, cannot even be free from the apprehensions of the severest punishments? For my own part, I always took it for granted that the other storms and tempests which are usually raised in popular tumults would beat on Milo, because he has constantly approved himself the friend of good men in opposition to the bad; but in a public trial, where the most illustrious persons of all the orders of the state were to sit as judges, I never imagined that Milo's enemies could have entertained the least hope, not only of destroying his safety, while such persons were on the bench, but even of giving the least stain to his honour. In this cause, my lords, I shall take no advantage of Annius's tribuneship, nor of his import-

* The judges in this trial were chosen from the senatorian and equestrian orders; and Asconius tells us that they were persons of great abilities and unquestionable integrity.

ant services to the state during the whole of his life, in order to make out his defence, unless you shall see that Clodius himself actually lay in wait for him; nor shall I entreat you to grant a pardon for one rash action, in consideration of the many glorious things he has performed for his country; nor require that if Clodius's death prove a blessing to you, you should ascribe it rather to Milo's virtue than the fortune of Rome:* but if it should appear clearer than the day, that Clodius did really lay in wait, then I must beseech and adjure you, my lords, that if we have lost every thing else, we may at least be allowed without fear of punishment to defend our lives against the insolent attacks of our enemies.

But before I enter on that which is the proper subject of our present inquiry, it will be necessary to confute those notions which have been often advanced by our enemies in the senate, often by a set of worthless fellows, and even lately by our accusers before an assembly, that having thus removed all ground of mistake, you may have a clearer view of the matter that is to come before you. They say that a man who confesses he has killed another ought not to be suffered to live. But where, pray, do these stupid people use this argument? Why, truly, in that very city where the first person that was ever tried for a capital crime was the brave M. Horatius; who, before the state was in posses-

* Several of Milo's friends were of opinion that he should defend himself by avowing the death of Clodius to be an act of public benefit: but Cicero thought that defence too desperate, as it would disgust the grave and considerate, by opening so great a door to license; and offend the powerful, lest the precedent should be extended to themselves. Accordingly, he chose to risk the cause on another issue, and laboured to show that Clodius lay in wait for Milo, and contrived the time and place; and that Milo's part was but a necessary act of self-defence. He does not preclude himself, however, by this from the other plea, which he frequently takes occasion to insinuate, that if Milo had really designed and contrived to kill Clodius, he would have deserved honours instead of punishment, for cutting off so desperate and dangerous an enemy to the peace and liberty of Rome.

sion of its liberty, was acquitted by the comitia of the Roman people, though he confessed he had killed his sister with his own hand. Can any one be so ignorant as not to know that in cases of bloodshed, the fact is either absolutely denied, or maintained to be just and lawful? Were it not so, P. Africanus must be reckoned out of his senses, who, when he was asked in a seditious manner by the tribune Carbo, before all the people, what he thought of Gracchus's death, said that he deserved to die. Nor can Ahala Servilius, P. Nasica, L. Opimius, C. Marius, or the senate itself, during my consulate, be acquitted of the most enormous guilt, if it be a crime to put wicked citizens to death. It is not without reason, therefore, my lords, that learned men have informed us, though in a fabulous manner, how that, when a difference arose in regard to the man who had killed his mother in revenge for his father's death, he was acquitted by a divine decree—nay, by a decree of the goddess of Wisdom herself. And if the twelve tables* allow a man, without fear of punishment, to take away the life of a thief in the night, in whatever situation he finds him; and, in the daytime, if he uses a weapon in his defence, who can imagine that a person must universally deserve punishment for killing another, when he cannot but see that the laws themselves in some cases put a sword into our hands for this very purpose?

* In the beginning of the Roman state there was no certain standard of justice and equity, but every thing was managed by the sole authority of the kings. As the consuls succeeded to the regal power, they likewise succeeded to the prerogative of distributing justice, by themselves or their patrician substitutes; and the judicial proceedings for many years depended only on custom and the judgment of the court. At last, to redress this inconvenience, commissioners were sent into Greece to make a collection of the best laws for the service of their country; and, at their return, the decemviri were created, who reduced them into twelve tables. Cicero passes high encomiums on these laws, and gives it as his opinion that they were to be preferred to whole libraries of the philosophers.

The law referred to in this passage runs thus: "He that is attacked by a robber in the night, let him not be punished if he kills him."

But if any circumstance can be alleged, and undoubtedly there are many such, in which the putting a man to death can be vindicated, that in which a person has acted on the principle of self-defence must certainly be allowed sufficient to render the action not only just but necessary. But what death can be deemed unjust that is inflicted on one who lies in wait for another, on one who is a public robber? To what purpose have we a train of attendants? or why are they furnished with arms? It would certainly be unlawful to wear them at all, if the use of them was absolutely forbid: for this, my lords, is not a written, but an innate law: we have not been taught it by the learned, we have not received it from our ancestors, we have not taken it from books; but it is derived from, it is forced on us, by nature, and stamped in indelible characters on our very frame: it was not conveyed to us by instruction, but wrought into our constitution: it is the dictate, not of education, but instinct, that if our lives should be at any time in danger from concealed or more open assaults of robbers or private enemies, every honourable method should be taken for our security. Laws, my lords, are silent amid arms; nor do they require us to wait their decisions, when by such a delay one must suffer an undeserved punishment himself, rather than inflict it justly on another. Even the law itself very wisely, and in some measure tacitly, allows of self-defence, as it does not forbid the killing of a man, but the carrying a weapon in order to kill him. Since, then, the stress is laid, not on the weapon, but the end for which it was carried, he that makes use of a weapon only to defend himself can never be condemned as wearing it with an intention to take away a man's life. Therefore, my lords, let this principle be laid down as the foundation of our plea; for I do not doubt but I shall make out my defence to your satisfaction, if you only keep in mind what I think it is impos-

sible for you to forget, that a man who lies in wait for another may be lawfully killed.

I come now to consider what is frequently insisted on by Milo's enemies, that the killing of P. Clodius has been declared by the senate a dangerous attack on the state.* But the senate has declared their approbation of it, not only by their suffrages, but by the warmest testimonies in favour of Milo; for how often have I pleaded that very cause before them? how great was the satisfaction of the whole order? how loudly, how publicly did they applaud me? In the fullest house, when were there found four, at most five, who did not approve of Milo's conduct? This appears plainly from the lifeless harangues of that singed tribune, in which he was continually inveighing against my power, and alleging that the senate in their decree did not follow their own judgment, but were entirely under my direction and influence; which, if it must be called power, rather than a moderate share of authority in just and lawful cases, to which one may be entitled by services to his country; or some degree of interest with the worthy part of mankind, on account of my readiness to exert myself in defence of the innocent; let it be called so, provided it is employed for the protection of the virtuous against the fury of ruffians. But as for this extraordinary trial, though I do not blame it, yet the senate never thought of granting it, because we had laws and precedents already, both in regard to murder and violence; nor did Clodius's death give them so

* The senate had passed two decrees in relation to the case of Milo; one was, "that the murder of Clodius was an act against the state;" the other, "that the interrex, assisted by the tribunes and Pompey, should take care that the republic received no detriment; and that Pompey in particular should raise a body of troops for the common security." This being the case, Milo's enemies alleged that he was in a manner already condemned by the senate. Cicero, in answer to this, endeavours, very artfully, to show that Milo's conduct was so far from being condemned, that it was approved by the senate. Milo, he alleges, was not affected by that decree of the senate which declared the murder of Clodius to be an act against the state, since it was not such through his intention, being committed in self-defence, to which he had a natural right.

much concern as to occasion an extraordinary commission: for if the senate was deprived of the power of passing sentence on him for an infamous debauch,* who can imagine they would think it necessary to grant any extraordinary trial for inquiring into his death? Why then did the senate decree that burning the court, the assault on M. Lepidus's house, and even the death of this man, were actions injurious to the republic?† because every act of violence committed in a free state by one citizen against another is an act against the state; for even force in one's own defence is never desirable, though it is sometimes necessary—unless indeed it be pretended that no wound was given the state on the day when the Gracchi were slain, and the armed force of Saturninus crushed.

When it appeared, therefore, that a man had been killed on the Appian way, I was of opinion that the party who acted in his own defence should not be deemed an enemy to the state; but as both contrivance and force had been employed in the affair, I referred the merits of the cause to a trial, and admitted of the fact. And if that frantic tribune would have permitted the senate to follow their own judgment, we should at this time have had no new commission for a trial; for the senate was coming to a resolution that the cause should be tried on the old

* When the affair of Clodius's polluting the mysteries of the Bona Dea was brought before the senate, it was resolved to refer it to the college of priests, who declared it to be an abominable impiety; on which the consuls were ordered to provide a law for bringing Clodius to a trial before the people. But Q. Fusius Calenus, one of the tribunes, supported by all the Clodian faction, would not permit the law to be offered to the suffrage of the citizens. The affair being likely to produce great disorders, Hortensius proposed an expedient, which was accepted by both parties, that the tribune Fusius should publish a law for the trial of Clodius by the pretor, with a select bench of judges.

† Manutius tells us that the factions of Scipio and Hypsæus stormed the house of M. Lepidus, the interrex, threw down the images of his ancestors, and committed a variety of outrages, because he would not hold the comitia for the election of consuls while the resentment of the *populace* was fresh against Milo.

laws, only not according to the usual forms. A division* was made in the vote, at whose request I know not; for it is not necessary to expose the crimes of every one. Thus the remainder of the senate's authority was destroyed by a mercenary interposition. But it is said that Pompey, by the bill which he brought in, decided both on the nature of the fact in general, and the merits of this cause in particular; for he published a law concerning this encounter in the Appian way, in which P. Clodius was killed. But what was the law?—why, that inquiry should be made into it. And what was to be inquired into? whether the fact was committed? But that is not disputed. By whom? That too is clear; for Pompey saw, though the fact was confessed, that the justice of it might be defended. If he had not seen that a person might be acquitted, after making his confession, he would never have directed any inquiry to be made, nor have put into your hands, my lords, an acquitting as well as a favourable letter.† But Cn. Pompey seems to me not only to have determined nothing severe against Milo, but even to have pointed out what you are to have in view in the course of the trial; for he who did not punish the confession of the fact, but allowed of a defence, was surely of opinion that the cause of the bloodshed was to be inquired into, and not the fact itself. I refer it to Pompey himself, whether the part he acted in this affair proceeded from his regard to the memory of P. Clodius, or from his regard to the times.

M. Drusus, a man of the highest quality, the de-

* When any opinion proposed to the senate was thought too general, and to include several distinct articles, some of which might be approved, and others rejected, it was usual to require that it might be divided: and sometimes by a general voice of the assembly calling out, "Divide, divide."

† He means the letters A and C, the first of which the judges wrote on the tablets if they meant to acquit, and the other if they meant to condemn.

fender, and in those times almost the patron, of the senate, uncle to that brave man M. Cato, now on the bench, and tribune of the people, was killed in his own house. And yet the people were not consulted on his death, nor was any commission for a trial granted by the senate on account of it. What deep distress is said to have spread over the whole city when P. Africanus was assassinated in the night-time, as he lay on his own bed! What breast did not then sigh? What heart was not pierced with grief, that a person on whom the wishes of all men would have conferred immortality, could wishes have done it, should be cut off by so early a fate? Was no decree made then for an inquiry into Africanus's death? None. And why? Because the crime is the same, whether the character of the persons that suffer be illustrious or obscure. Grant that there is a difference as to the dignity of their lives, yet their deaths, when they are the effect of villany, are judged by the same laws and attended by the same punishments; unless it be a more heinous parricide for a man to kill his father if he be of consular dignity, than if he were in a private station—or the guilt of Clodius's death be aggravated by his being killed among the monuments of his ancestors; for that, too, has been urged—as if the great Appius Cæcus had paved that road, not for the convenience of his country, but that his posterity might have the privilege of committing acts of violence with impunity. And accordingly, when P. Clodius had killed M. Papirius, a most accomplished person of the equestrian order, on this Appian way, his crime must pass unpunished; for a nobleman had only killed a Roman knight among the monuments of his own family. Now the very name of this Appian way, what a stir does it make! What was never mentioned while it was stained with the blood of a worthy and innocent man, is in every one's mouth, now it is died *with* that of a robber and a murderer. But why

do I mention these things? One of Clodius's slaves was seized in the temple of Castor, where he was placed by his master, on purpose to assassinate Pompey: he confessed it, as they were wresting the dagger out of his hands. Pompey absented from the forum on it; he absented from the senate; he absented from the public. He had recourse for his security to the gates and walls of his own house, and not to the authority of laws or courts of judicature. Was any law passed at that time? was any extraordinary commission granted? And yet, if any circumstance, if any person, if any juncture ever merited such a distinction, it was certainly on this occasion. An assassin was placed in the forum, and in the very porch of the senate house, with a design to murder the man on whose life depended the safety of the state; and at so critical a juncture of the republic, that if he had fallen, not this city alone, but the whole empire, must have fallen with him. But possibly you may imagine he ought not to be punished, because his design did not succeed; as if the success of a crime, and not the intention of the criminal, was cognizable by the laws. There was less reason indeed for grief, as the attempt did not succeed; but certainly not at all the less for punishment. How often, my lords, have I myself escaped the threatening dagger and bloody hands of Clodius! From which, if neither my own good fortune nor that of the republic had preserved me, who would ever have procured an extraordinary trial on my death?

But it is weak in one to presume to compare Drusus, Africanus, Pompey, or myself, with Clodius. Their lives could be dispensed with; but as to the death of P. Clodius, no one can hear it with any degree of patience. The senate mourns, the equestrian order is filled with distress, the whole city is in the deepest affliction, the corporate towns are all in mourning, the colonies are overwhelmed with

sorrow; in a word, even the fields themselves lament the loss of so generous, so useful, and so humane a citizen. But this, my lords, is by no means the reason why Pompey thought himself obliged to appoint a commission for a trial: being a man of great wisdom, of deep and almost divine penetration, he took a great variety of things into his view. He considered that Clodius had been his enemy—that Milo was his intimate friend, and was afraid that, if he took his part in the general joy, it would render the sincerity of his reconciliation suspected. Many other things he saw; and particularly this, that though he had made a severe law, you would act with becoming resolution on the trial. And accordingly, in appointing judges, he selected the greatest ornaments of the most illustrious orders of the state; nor in making his choice did he, as some have pretended, set aside my friends: for neither had this person, so eminent for his justice, any such design, nor was it possible for him to have made such a distinction, if only worthy men were chosen, even if he had been desirous of doing it. My influence is not confined to my particular friends, my lords, the number of whom cannot be very large, because the intimacies of friendship can extend but to a few. If I have any interest, it is owing to this, that the affairs of the state have connected me with the virtuous and worthy members of it; out of whom, when he chose the most deserving, to which he would think himself bound in honour, he could not fail of nominating those who had an affection for me. But in fixing on you, L. Domitius, to preside at this trial, he had no other motive than a regard to justice, disinterestedness, humanity, and honour. He enacted that the president should be of consular rank; because, I suppose, he was of opinion that men of distinction ought to be proof against the levity of the populace and the rashness of the abandoned; and he gave you the preference to all others of the same rank, because you had from your youth

given the strongest proofs of your contempt of popular rage.*

Therefore, my lords, to come at last to the cause itself, and the accusation brought against us: if it be not unusual in some cases to confess the fact; if the senate has decreed nothing with relation to our cause, but what we ourselves could have wished; if he who enacted the law, though there was no dispute about the matter of fact, was willing that the lawfulness of it should be debated; if a number of judges have been chosen, and a person appointed to preside at the trial, who might canvass the affair with wisdom and equity—the only remaining subject of your inquiry is, which of these two parties waylaid the other. And that you may be able the more easily to determine this point, I shall beg the favour of an attentive hearing, while in a few words I lay open the whole affair before you. P. Clodius, being determined, when created pretor, to harass his country with every species of oppression, and finding the comitia had been delayed so long the year before that he could not hold his office many months;† not regarding, like the rest, the dignity of the station, but being solicitous both to avoid having L. Paulus, a man of exemplary virtue, for his colleague, and to obtain a whole year for oppressing the state, all on a sudden threw up his own year, and reserved himself to the next; not from any religious scruple, but that he might have, as he said himself, a full entire year for exercising his pretorship; that is, for overturning the commonwealth. He was sensible he must be controlled and cramped in the exercise

* He refers to Domitius's conduct in his pretorship, during which Cn. Manlius, one of the tribunes of the people, enacted a law that the freedmen of every tribe should have a power of voting, and took possession of the capital in a forcible manner, from which he was driven by Domitius, and several of his followers slain.

† The factions of the city and the seditious conduct of the tribunes had prevented the election of consuls, and occasioned an interregnum of upwards of six months; so that Messala and Calvinus did not hold the consulship above five months, which was probably the case with the pretors too.

of his pretorian authority under Milo, who, he plainly saw, would be chosen consul by the unanimous consent of the Roman people. Accordingly, he joined the candidates that opposed Milo; but in such a manner that he overruled them in every thing, had the sole management of the election, and, as he used often to boast, bore all the comitia on his own shoulders. He assembled the tribes, he thrust himself into their counsels, and formed a new Collinian tribe of the most abandoned of the citizens. The more confusion and disturbance he made, the more Milo prevailed. When this wretch, who was bent on all manner of wickedness, saw that so brave a man, and his most inveterate enemy, would certainly be consul; when he perceived this, not only by the discourses, but by the votes, of the Roman people, he began to throw off all disguise, and to declare openly that Milo must be killed. He sent for that rude and barbarous crew of slaves from the Apennines, whom you have seen, with whom he used to ravage the public forests, and harass Etruria. The thing was not in the least a secret; for he used openly to say, that though Milo could not be deprived of the consulate, he might of his life. He often intimated this in the senate, and declared it expressly before the people; insomuch, that when Favonius, that brave man, asked him what prospect he could have of carrying on his furious designs, while Milo was alive, he replied, "That in three or four days at most, he should be taken out of the way;" which reply Favonius immediately communicated to M. Cato.

In the mean time, as soon as Clodius knew (nor indeed was there any difficulty to come at the intelligence) that Milo was obliged by the eighteenth of January to be at Lanuvium,* where he was dic-

* Lanuvium was a municipal town in the Appian way, about twelve miles from Rome. The famous temple of Juno Sospita was in it, to officiate in which a priest was yearly nominated by a magistrate called the dictator.

tator, in order to nominate a priest, a duty which the laws rendered necessary to be performed every year; he went suddenly from Rome the day before, in order, as appears by the event, to waylay Milo, in his own grounds; and this at a time when he was obliged to leave a tumultuous assembly, which he had summoned that very day, where his presence was necessary to carry on his mad designs; a thing he never would have done if he had not been desirous to take the advantage of that particular time and place for perpetrating his villany. But Milo, after having staid in the senate that day till the house had broken up, went home, changed his shoes and clothes, waited awhile, as usual, till his wife had got ready to attend him, and then set forward about the time that Clodius, if he had proposed to come back to Rome that day, might have returned. Clodius meets him, equipped for an engagement on horseback, without either chariot or baggage, without his Grecian servants;* and, what was more extraordinary, without his wife.† While this lier-in-wait, who had contrived the journey on purpose for an assassination, was in a chariot with his wife, muffled up in his cloak, encumbered with a crowd of servants, and with a feeble and timid train of women and boys, he meets Clodius near his own estate, a little before sunset, and is immediately attacked by a body of men, who throw their darts at him from an eminence, and kill his coachman. On which he threw off his cloak, leaped from his chariot and defended himself with great bravery. In the mean time Clodius's attendants drawing their swords, some of them ran back to the chariot in

* It was customary for the richer sort of the Romans to entertain in their houses scholars and philosophers from Greece, who generally accompanied them when they travelled, in order to amuse or instruct them.

† Clodius had for his wife one Fulvia, who was afterward married to Antony.

order to attack Milo in the rear, while others, thinking that he was already killed, fell on his servants who were behind; these, being resolute and faithful to their master, were some of them slain; while the rest, seeing a warm engagement near the chariot, being prevented from going to their master's assistance; hearing besides from Clodius himself that Milo was killed, and believing it to be fact, acted on this occasion (I mention it, not with a view to elude the accusation, but because it was the true state of the case) without the orders, without the knowledge, without the presence of their master, as every man would wish his own servants should act in the like circumstances.

This, my lords, is a faithful account of the matter of fact: the person who lay in wait was himself overcome, and force subdued by force, or rather audaciousness chastised by true valour. I say nothing of the advantage which accrues to the state in general, to yourselves in particular, and to all good men; I am content to waive the argument I might draw from hence in favour of my client, whose destiny was so peculiar, that he could not secure his own safety without securing yours and that of the republic at the same time. If he could not do it lawfully, there is no room for attempting his defence. But if reason teaches the learned, necessity the barbarian, common custom all nations in general, and even nature itself instructs the brutes to defend their bodies, limbs, and lives when attacked, by all possible methods, you cannot pronounce this action criminal, without determining at the same time that whoever falls into the hands of a highwayman must of necessity perish either by the sword or your decisions. Had Milo been of this opinion, he would certainly have chosen to have fallen by the hand of Clodius, who had more than once before this made an attempt on his life, rather than be executed by your order, because he

had not tamely yielded himself a victim to his rage. But if none of you are of this opinion, the proper question is, not whether Clodius was killed,—for that we grant,—but whether justly or unjustly; an inquiry of which many precedents are to be found. That a plot was laid is very evident; and this is what the senate decreed to be injurious to the state: but by which of them laid is uncertain. This then is the point which the law directs us to inquire into. Thus, what the senate decreed related to the action, not the man; and Pompey enacted, not on the matter of fact, but of law.

Is nothing else, therefore, to be determined but this single question, which of them waylaid the other? Nothing, certainly. If it appear that Milo was the aggressor, we ask no favour; but if Clodius, you will then acquit us of the crime that has been laid to our charge. What method then can we take to prove that Clodius lay in wait for Milo? It is sufficient, considering what an audacious, abandoned wretch he was, to show that he lay under a strong temptation to it; that he formed great hopes, and proposed to himself great advantages from Milo's death. Let that question of Cassius,* therefore, "Whose interest was it?" be applied to the present case: for though no consideration can prevail on a good man to be guilty of a base action, yet to a bad man the least prospect of advantage will often be sufficient. By Milo's death, Clodius not only gained his point of being pretor, without that restraint which his adversary's power as consul would have laid on his wicked designs, but likewise that of being pretor under those consuls, by whose connivance at least, if not assistance, he hoped he should be able

* We are told by Asconius that Cassius was a man of great severity, and that when he was examiner in any case of murder, he always exhorted, nay commanded, the judges to inquire what prospect of advantage could arise to the murderer from the fact. His tribunal, on account of his excessive severity, was called the rock of criminals.

to betray the state into the mad schemes he had been forming; persuading himself that, as they thought themselves under so great an obligation to him, they would have no inclination to oppose any of his attempts, even if they should have it in their power; and that if they were inclined to do it, they would perhaps be scarce able to control the most profligate of all men, who had been confirmed and hardened in his audaciousness by a long series of villanies. Are you then, my lords, alone ignorant? are you strangers in this city? Has the report, which so generally obtains in the town, of those laws (if they are to be called laws, and not rather the scourges of the city and the plagues of the republic) which he intended to have imposed and fixed as a brand of infamy on us all, never reached your ears? Show us, I beg of you, Sextus Clodius, show us that register of your laws; which, they say, you rescued out of his house, and carried off like another Palladium,* in the midst of an armed force and a midnight mob; that you might have an honourable legacy, and ample instructions for some future tribune, who should hold his office under your direction, if such a tribune you could find. Now he casts a look at me, like that he used to assume when he threatened universal ruin. I am indeed struck with that light of the senate.

What, Sextus, do you imagine I am angry with you, who have treated my greatest enemy with more severity than the humanity of my temper could have allowed me to have required? You threw the bloody body of P. Clodius out of his house; you

* The Palladium was a wooden image of Pallas. The Trojans fancied that it fell from heaven into an uncovered temple, and were told by the oracle that Troy could not be taken while that image remained there; which being understood by Diomed and Ulysses, they privately stole into the temple, surprised and slew the keepers, and carried the image away. It was brought to Rome, by whom is uncertain, placed in the temple of Vesta, and rescued from the flames of that edifice by Metellus the high-priest.

exposed it to public view in the streets; you left it by night a prey to the dogs, half-consumed with unhallowed wood, stripped of its images,* and deprived of the usual encomiums and funeral pomp. This, though it is true you did it out of mere necessity, I cannot commend; yet as my enemy was the object of your cruelty, I ought not certainly to be angry with you. You saw there was the greatest reason to dread a revolution in the state from the pretorship of Clodius, unless the man who had both courage and power to control him were chosen consul. When all the Roman people were convinced that Milo was the man, what citizen could have hesitated a moment about giving him his vote, when by that vote he at once relieved his own fears, and delivered the republic from the utmost danger? But now Clodius is taken off, it requires extraordinary efforts in Milo to support his dignity. That singular honour by which he was distinguished, and which daily increased by his repressing the outrages of the Clodian faction, vanished with the death of Clodius. You have gained this advantage, that there is now no citizen you have to fear; while Milo has lost a fine field for displaying his valour, the interest that supported his election, and a perpetual source of glory. Accordingly, Milo's election to the consulate, which could never have been hurt while Clodius was living, begins now on his death to be disputed. Milo, therefore, is so far from receiving any benefit from Clodius's death that he is really a sufferer by it. [But it may be said that hatred prevailed; that anger and resentment urged him on; that he avenged his own wrongs, and redressed his own grievances. Now if all these particulars may be applied, not merely with greater propriety to Clodius than to Milo, but with

* We are told by Pliny that the halls of great men among the Romans were adorned with the images of their deceased friends, done in wax, and that when any of the family was buried, these images were carried along with the corpse.

the utmost propriety to the one, and not the least to the other; what more can you desire? For why should Milo bear any other hatred to Clodius, who furnished him with such a rich harvest of glory, but that which every patriot must bear to all bad men? As to Clodius, he had motives enough for bearing ill-will to Milo; first, as my protector and guardian; then, as the opposer of his mad schemes, and the controller of his armed force; and, lastly, as his accuser: for while he lived, he was liable to be convicted by Milo on the Plautian law.* With what patience, do you imagine, such an imperious spirit could bear this? How high must his resentment have risen, and with what justice too, in so great an enemy to justice.

It remains now to consider what arguments their natural temper and behaviour will furnish out in defence of the one, and for the conviction of the other. Milo never made use of any violence, Clodius never carried any point without it. What then, my lords, when I retired from this city, leaving you in tears for my departure, did I fear standing a trial; and not rather the insults of Clodius's slaves, the force of arms, and open violence?† What reason could there be for restoring me, if he was not guilty of injustice in banishing me? He had summoned me, I know he had, to appear on my trial; had set a fine on me; had brought an action of trea-

* This law was enacted by P. Plautius, tribune of the people, A. U. C 675, against those that attempted any force against the state or senate, or used any violence to the magistrates, or appeared armed in public on any ill design, or forcibly expelled any person from his lawful possession. The punishment assigned to the convicted was forbidding them fire and water.

† When Cicero found himself reduced to the condition of a criminal by one of Clodius's laws, he changed his habit, as was usual in the case of a public impeachment, and appeared about the streets in a sordid or mourning gown, to excite the compassion of his fellow-citizens; while Clodius, at the head of his mob, contrived to meet and insult him at every turn, reproaching him for his cowardice and dejection, and throwing dirt and stones at him.

son against me; and I had reason to fear the event of a trial in a cause that was neither glorious for you, nor very honourable for myself. No, my lords, this was not the case: I was unwilling to expose my countrymen, whom I had saved by my counsels and at the hazard of my life, to the swords of slaves, indigent citizens, and a crew of ruffians: for I saw —yes, I myself beheld this very Q. Hortensius,* the light and ornament of the republic, almost murdered by the hands of slaves, while he waited on me; and it was in the same tumult that C. Vibienus, a senator of great worth, who was in his company, was handled so roughly that it cost him his life. When therefore has that dagger which Clodius received from Catiline rested in its sheath? it has been aimed at me; but I would not suffer you to expose yourselves to its rage on my account: with it he lay in wait for Pompey, and stained the Appian way, that monument of the Clodian family, with the blood of Papirius. The same, the very same weapon was, after a long distance of time, again turned against me; and you know how narrowly I escaped being destroyed by it lately at the palace. What now of this kind can be laid to Milo's charge, whose force has only been employed to save the state from the violence of Clodius, when he could not be brought to a trial? Had he been inclined to kill him, how often had he the fairest opportunities

* This Hortensius was a very celebrated orator; he reigned absolute in the Roman forum when Cicero first entered it; and as his superior fame was the chief spur to Cicero's industry, so the shining specimen which Cicero soon gave of himself made Hortensius likewise the brighter for it, by obliging him to exert all the force of his genius to maintain his ground against his young rival. They passed a great part of their lives in a kind of equal contest and emulation of each other's merit; but Hortensius, by the superiority of his years, having first passed through the usual gradation of public honours, and satisfied his ambition by obtaining the highest, began to relax somewhat of his old contention, and give way to the charms of ease and luxury, to which his nature strongly inclined him, till he was forced at last by the general voice of the city to yield the post of honour to Cicero.

of doing it! Might he not legally have revenged himself on him when he was defending his house and household gods against his assault? might he not when that excellent citizen and brave man P. Sextus, his colleague, was wounded? might he not when Q. Fabricius, that worthy man, was abused, and a most barbarous slaughter made in the forum, on his proposing the law for my restoration? might he not when the house of L. Cæcilius, that upright and brave pretor, was attacked? might he not on that day when the law passed in relation to me? when a vast concourse of people from all parts of Italy, animated with a concern for my safety, would with joyful voice, have celebrated the glory of the action, and the whole city have claimed the honour of what was performed by Milo alone?

At that time P. Lentulus, a man of distinguished worth and bravery, was consul; the professed enemy of Clodius, the avenger of his crimes, the guardian of the senate, the defender of your decrees, the supporter of that public union, and the restorer of my safety: there were seven pretors, and eight tribunes of the people in my interest, in opposition to him. Pompey, the first mover and patron of my return, was his enemy; whose important and illustrious decree for my restoration was seconded by the whole senate; who encouraged the Roman people; and when he passed a decree in my favour at Capua, gave the signal to all Italy, solicitous for my safety, and imploring his assistance in my behalf, to repair in a body to Rome to have my sentence reversed.* In a word, the citizens were then so inflamed with rage against him from their affection to me, that had he been killed at that junc-

* Pompey presided in person when the inhabitants of Capua, where he had planted a colony, made a decree to Cicero's honour; he took the trouble likewise of visiting all the other colonies and chief towns in these parts, to appoint them a day of general rendezvous at Rome, to assist at the promulgation of the law for Cicero's return.

ture, they would not have thought so much of acquitting as of rewarding the person by whose hand he fell. And yet Milo so far governed his temper, that, though he prosecuted him twice in a court of judicature, he never had recourse to violent measures against him. But what do I say? while Milo was a private person, and stood accused by Clodius before the people, when Pompey was assaulted in the midst of a speech he was making in Milo's favour, what a fair opportunity, and I will even add, sufficient reason, was there for despatching him? Again, when Mark Antony had, on a late occasion, raised in the minds of all good men the most lively hopes of seeing the state in a happier condition; when that noble youth had bravely undertaken the defence of his country in a most dangerous quarter, and had actually secured the wild beast in the toils of justice, which he endeavoured to avoid: immortal gods! how favourable was the time and place for destroying him! When Clodius concealed himself beneath a dark staircase, how easily could Milo have destroyed that plague of his country, and thus have heightened the glory of Antony, without incurring the hatred of any! How often was it in his power, while the comitia were held in the field of Mars! when Clodius had forced his way within the enclosure, and his party began, by his direction, to draw their swords and throw stones; and then on a sudden, being struck with terror at the sight of Milo, fled to the Tiber, how earnestly did you and every good man wish that Milo had displayed his valour!

Can you imagine then that Milo would choose to incur the ill-will of any by an action which he forbore when it would have gained him the applause of all? Would he make no scruple of killing him at the hazard of his own life, without any provocation, at the most improper time and place, whom he did not venture to attack when he had justice on

his side, had so convenient an opportunity, and would have run no risk? especially, my lords, when his struggle for the supreme office in the stats, and the day of his election, was at hand; at which critical season (for I know by experience how timorous ambition is, and what a solicitous concern there is about the consulate) we dread, not only the charges that may openly be brought against us, but even the most secret whispers and hidden surmises: when we tremble at every rumour, every false, forged, and frivolous story; when we explore the features and watch the looks of every one we meet. For nothing is so changeable, so ticklish, so frail, and so flexible, as the inclinations and sentiments of our fellow-citizens on such occasions; they are not only displeased with the dishonourable conduct of a candidate, but are often disgusted with his most worthy actions. Shall Milo then be supposed, on the very day of election,—a day which he had long wished for, and impatiently expected,—to present himself before that august assembly of the centuries, having his hands stained with blood, publicly acknowledging and proclaiming his guilt? Who can believe this of the man? yet who can doubt but that Clodius imagined he should reign without control, were Milo murdered? What shall we say, my lords, to that which is the source of all audaciousness? Does not every one know that the hope of impunity is the grand temptation to the commission of crimes? Now which of these two was the most exposed to this? Milo, who is now on his trial for an action which must be deemed at least necessary, if not glorious; or Clodius, who had so thorough a contempt for the authority of the magistrate, and for penalties, that he took delight in nothing that was either agreeable to nature or consistent with law? But why should I labour this point so much? why dispute any longer? I appeal to you, Q. Petilius, who are a most worthy

and excellent citizen; I call you, Marcus Cato, to witness; both of you placed on that tribunal by a kind of supernatural direction. You were told by M. Favonius that Clodius declared to him, and you were told it in Clodius's lifetime, that Milo should not live three days longer. In three days' time he attempted what he had threatened: if he then made no scruple of publishing his design, can you entertain any doubt of it when it was actually carried into execution?

But how could Clodius be certain as to the day? This I have already accounted for. There was no difficulty in knowing when the dictator of Lanuvium was to perform his stated sacrifices. He saw that Milo was obliged to set out for Lanuvium on that very day. Accordingly, he was beforehand with him. But on what day? that day on which, as I mentioned before, a mad assembly was held by his mercenary tribune: which day, which assembly, which tumult he would never have left, if he had not been eager to execute his meditated villany. So that he had not the least pretence for undertaking the journey, but a strong reason for staying at home; while Milo, on the contrary, could not possibly stay, and had not only a sufficient reason for leaving the city, but was under an absolute necessity of doing it. Now what if it appear that, as Clodius certainly knew Milo would be on the road that day, Milo could not so much as suspect the same of Clodius? First, then, I ask which way he could come at the knowledge of it? A question which you cannot put with respect to Clodius: for had he applied to nobody else, T. Patinas,* his intimate friend, could have informed him that Milo, as being dictator of Lanuvium, was obliged to create a priest there on that very day. Besides, there were many other persons—all the inhabitants of Lanuvium

* Titus Patinas resided in Lanuvium, and was an intimate acquaintance of Clodius.

indeed, from whom he might have very easily had this piece of intelligence. But of whom did Milo inquire of Clodius's return? I shall allow, however, that he did inquire; nay, I shall grant, further, with my friend Arrius, so liberal am I in my concessions, that he corrupted a slave. Read the evidence that is before you. C. Cassinius, of Interamna, surnamed Scola, an intimate friend and companion of P. Clodius, who swore on a former occasion that Clodius was at Interamna* and at Rome at the same hour, tells you that P. Clodius intended to have spent that day at his seat near Alba: but that, hearing very unexpectedly of the death of Cyrus the architect, he determined immediately to return to Rome. The same evidence is given in by C. Clodius, another companion of P. Clodius.

Observe, my lords, how much this evidence makes for us. In the first place, it plainly appears that Milo did not undertake his journey with a design to waylay Clodius, as he could not have the least prospect of meeting him. In the next place (for I see no reason why I should not likewise speak for myself), you know, my lords, there were persons who, in their zeal for carrying on this prosecution, did not scruple to say, that though the murder was committed by the hands of Milo, the plot was laid by a more eminent person. In a word, those worthless and abandoned wretches represented me as a robber and an assassin. But this calumny is confuted by their own witnesses, who deny that Clodius would have returned to Rome that day if he had not heard of the death of Cyrus. Thus I recover my spirits; I am acquitted, and am under no apprehensions lest I should seem to have contrived what I could not so much as have suspected. Proceed I now to their other objections: Clodius, say they, had not he least thought of waylaying Milo, be-

* Interamna was a city of Umbria; and was so called, because it was situated between two rivers. The moderns call it Terni.

cause he was to have remained at Albanum and would never have gone from his country-seat to commit a murder. But I plainly perceive that the person who is pretended to have informed him of Cyrus's death, only informed him of Milo's approach: for why inform him of the death of Cyrus, whom Clodius, when he went from Rome, left expiring? I was with him, and sealed up his will along with Clodius; for he had publicly made his will, and appointed Clodius and me his heirs. Was a messenger sent him then by four o'clock the next day to acquaint him with the death of a person, whom, but the day before, about nine in the morning, he had left breathing his last?

Allowing it, however, to be so, what reason was there for hurrying back to Rome? For what did he travel in the night-time? what occasioned all this despatch? was it because he was the heir? In the first place, this required no hurry; and, in the next, if it had, what could he have got that night, which he must have lost had he come to Rome only next morning? And as a journey to town in the night was rather to be avoided than desired by Clodius, so if Milo had formed any plot against his enemy, and had known that he was to return to town that evening, he would have stopped and waited for him. He might have killed him by night in a suspicious place, infested with robbers. Nobody could have disbelieved him if he had denied the fact; since even after he has confessed it, every one is concerned for his safety. First of all, the place itself would have been charged with it, being a haunt and retreat for robbers;* while the silent solitude and shades of night must have concealed Milo: and then, as such numbers had been assaulted and plundered by Clodius, and so many others were apprehensive of the like treatment, the suspicion must naturally have

* In the Appian way stood the tomb of one Basilius; a place which had become famous for the many murders committed at it.

fallen on them; and, in short, all Etruria might have been prosecuted. But it is certain that Clodius, in his return that day from Aricia, called at Albanum. Now, though Milo had known that Clodius had left Aricia, yet he had reason to suspect that he would call at his seat, which lies on the road, even though he was that day to return to Rome. Why then did he not either meet him sooner, and prevent his reaching it, or post himself where he was sure Clodius was to pass in the night-time? Thus far, my lords, every circumstance concurs to prove that it was for Milo's interest Clodius should live; that, on the contrary, Milo's death was a most desirable event for answering the purposes of Clodius: that on the one side there was a most implacable hatred, on the other not the least; that the one had been continually employing himself in acts of violence, the other only in opposing them; that the life of Milo was threatened, and his death publicly foretold by Clodius, whereas nothing of that kind was ever heard from Milo; that the day fixed for Milo's journey was well known to his adversary, while Milo knew nothing when Clodius was to return; that Milo's journey was necessary, but that of Clodius rather the contrary; that the one openly declared his intention of leaving Rome that day, while the other concealed his intention of returning; that Milo made no alteration in his measures, but that Clodius feigned an excuse for altering his; that if Milo had designed to waylay Clodius, he would have waited for him near the city till it was dark, but that Clodius, even if he had been under no apprehensions from Milo, ought to have been afraid of coming to town so late at night.

Let us now consider the principal point, whether the place where they encountered was most favourable to Milo or to Clodius. But can there, my lords, be any room for doubt, or for any further deliberation on that? It was near the estate of Clo-

dius, where at least a thousand able-bodied men were employed in his mad schemes of building. Did Milo think he should have an advantage by attacking him from an eminence; and did he for this reason pitch on that spot for the engagement? or was he not rather expected in that place by his adversary, who hoped the situation would favour his assault? The thing, my lords, speaks for itself, which must be allowed to be of the greatest importance in determining a question. Were the affair to be represented only by painting, instead of being expressed by words, it would even then clearly appear which was the traitor, and which was free from all mischievous designs; when the one was sitting in his chariot, muffled up in his cloak, and his wife along with him. Which of these circumstances was not a very great encumbrance? the dress, the chariot, or the companion? How could he be worse equipped for an engagement, when he was wrapped up in a cloak, embarrassed with a chariot, and almost fettered by his wife? Observe the other now: in the first place, sallying out on a sudden from his seat; for what reason? in the evening; what urged him? late; to what purpose, especially at that season? He calls at Pompey's seat; with what view? To see Pompey? He knew he was at Alsium. To see his house? He had been in it a thousand times. What then could be the reason of this loitering and shifting about? He wanted to be on the spot when Milo came up.

Now please to compare the travelling equipage of a determined robber with that of Milo. Clodius, before that day, always travelled with his wife; he was then without her: he never used to travel but in his chariot; he was then on horseback: he was attended with Greeks wherever he went, even when he was hurrying to the Tuscan camp;* at that time

* Cicero frequently charges Clodius with having had a share in Catiline's conspiracy, and this is what he refers to here; for Clodius, as we

he had nothing insignificant in his retinue. Milo, contrary to his usual manner, happened then to take with him his wife's singers, and a whole train of her women: Clodius, who never failed to carry his mistresses along with him, was then attended by none but those who seemed to be picked out by one another. How came he then to be overcome? Because the traveller is not always killed by the robber, but sometimes the robber by the traveller; because, though Clodius was prepared, and fell on those who were unprepared, yet Clodius was but a woman, and they were men. Nor indeed was Milo ever so little unprepared as not to be a match for him almost at any time. He was always sensible how much it was Clodius's interest to get rid of him, what an inveterate hatred he bore to him, and what audacious attempts he was capable of; and therefore, as he knew that a price was set on his life, and that it was in a manner devoted to destruction, he never exposed it to any danger without a guard. Add to this effect of accidents, the uncertain issue of all combats, and the common chance of war, which often turns against the victor, even when ready to plunder and triumph over the vanquished. Add the unskilfulness of a gluttonous, drunken, stupid leader, who, when he had surrounded his adversary, never thought of his attendants that were behind; from whom, fired with rage, and despairing of their master's life, he suffered the punishment which those faithful slaves inflicted in revenge for their master's death. Why then did he give them their freedom? He was afraid, I suppose, lest they should betray him; lest they should not be able to endure pain; lest the torture should oblige them to confess that P. Clodius was killed by Milo's servants on the Appian way. But what occasion for torture? what was you to extort?

are told by Asconius, left Rome in order to join the camp of Catiline, when it lay at Fæsulæ in Tuscany; but after he had set out he repented, and returned to the city.

If Clodius was killed—he was: but whether lawfully or unlawfully can never be determined by torture. When the question relates to the matter of fact, we may have recourse to the executioner; but when to a point of equity, the judge must decide.

Let us then here examine into what is to be the subject of inquiry in the present case; for as to what you would extort by torture, we confess it all. But if you ask why he gave them their freedom, rather than why he bestowed so small a reward on them, it shows that you do not even know how to find fault with this action of your adversary: for M. Cato, who sits on this bench, and who always speaks with the utmost resolution and steadiness, said, and said it in a tumultuous assembly, which however was quelled by his authority, that those who had defended their master's life well deserved, not only their liberty, but the highest rewards: for what reward can be great enough for such affectionate, such worthy and faithful servants, to whom their master is indebted for his life? And which is yet a higher obligation, to whom he owes it that his most inveterate enemy has not feasted his eyes, and satiated his wishes, with the sight of his mangled, bloody corse. Who, if they had not been made free, these deliverers of their master, these avengers of guilt, these defenders of innocent blood must have been put to the torture. It is matter, however, of no small satisfaction to him under his present misfortunes, to reflect, that whatever becomes of himself, he has had it in his power to reward them as they deserved. But the torture that is now inflicting in the porch of the temple of Liberty bears hard on Milo. On whose slaves is it inflicted? do you ask? on those of P. Clodius. Who demanded them? Appius. Who produced them? Appius. From whence came they? from Appius. Good gods! can any thing be more severe? Servants are never examined against their

masters but in cases of incest, as in the instance of Clodius, who now approaches nearer the gods than when he made his way into their very presence; for the same inquiry is made into his death as if their sacred mysteries had been violated. But our ancestors would not allow a slave to be put to the torture for what affected his master, not because the truth could not thus be discovered, but because their masters thought it dishonourable, and worse than death itself. Can the truth be discovered when the slaves of the prosecutor are brought as witnesses against the person accused? Let us hear now what kind of an examination this was. Call in Roscio, call in Casca. Did Clodius waylay Milo? he did. Drag them instantly to execution: he did not. Let them have their liberty. What can be more satisfactory than this method of examination? They are hurried away on a sudden to the rack, but are confined separately, and thrown into dungeons, that no person may have an opportunity of speaking to them: at last, after having been, for a hundred days, in the hands of the prosecutor, he himself produces them. What can be more fair and impartial than such an examination?

But if, my lords, you are not yet convinced, though the thing shines out with such strong and full evidence, that Milo returned to Rome with an innocent mind, unstained with guilt, undisturbed by fear, and free from the accusations of conscience; call to mind, I beseech you by the immortal gods, the expedition with which he came back, his entrance into the forum while the senate-house was in flames, the greatness of soul he discovered, the look he assumed, the speech he made on the occasion. He delivered himself up, not only to the people, but even to the senate; nor to the senate alone, but even to guards appointed for the public security; nor merely to them, but even to the authority of him whom the senate had intrusted with the care of the whole

republic, all the youth of Italy, and all the military force of Rome:* to whom he would never have delivered himself, if he had not been confident of the goodness of his cause; especially as that person heard every report, was apprehensive of very great danger, had many suspicions, and gave credit to some stories. Great, my lords, is the force of conscience; great both in the innocent and the guilty; the first have no fears, while the others imagine their punishment is continually before their eyes. Nor indeed is it without good reason that Milo's cause has ever been approved by the senate; for those wise men perceived the justice of his cause, his presence of mind, and the resolution with which he made his defence. Have you forgot, my lords, when the news of Clodius's death had reached us, what were the reports and opinions that prevailed, not only among the enemies of Milo, but even among some other weak persons, who affirmed that Milo would not return to Rome? for if he committed the fact in the heat of passion, from a principle of resentment, they imagined he would look on the death of P. Clodius as of such consequence, that he could be content to go into banishment, after having satiated his revenge with the blood of his enemy; or if he put him to death with a view to the safety of his country, they were of opinion that the same brave man, after he had saved the state by exposing his own life to danger, would cheerfully submit to the laws, and, leaving us to enjoy the blessings he had preserved, be satisfied himself with immortal glory. Others talked in a more frightful manner, and called him a Catiline. "He will break out," said they; "he will seize some strong place; he will make war on his country." How wretched is often the fate of those citizens who have done the most important

* Pompey is here meant, to whom the senate gave an unlimited commission to see that the republic should receive no detriment, either from Milo or the Clodian faction.

services to their country! their noblest actions are not only forgotten, but they are even suspected of the most impious. These suggestions therefore were groundless: yet they must have proved too well founded had Milo done any thing that could not be defended with truth and justice.

Why should I mention the calumnies that were afterward heaped on him? And though they were such as would have filled any breast with terror that had the least consciousness of guilt, yet how he bore them! Immortal gods! bore them, did I say? Nay, how he despised and set them at naught! Though a guilty person even of the greatest courage, nor an innocent person, unless endued with the greatest fortitude, could never have neglected them. It was whispered about that a vast number of shields, swords, bridles, darts, and javelins, might be found; that there was not a street nor lane in the city where Milo had not hired a house; that arms were conveyed down the Tiber to his seat at Ocriculum; that his house on the Capitoline hill was filled with shields; and that every other place was full of hand-grenades for firing the city. These stories were not only reported, but almost believed; nor were they looked on as groundless till after a search was made. I could not indeed but applaud the wonderful diligence of Pompey on the occasion: but to tell you freely, my lords, what I think; those who are charged with the care of the whole republic are obliged to hear too many stories; nor indeed is it in their power to avoid it. He could not refuse an audience to a paltry fellow of a priest, Licinius I think he is called, who gave information that Milo's slaves, having got drunk at his house, confessed to him a plot they had formed to murder Pompey, and that afterward one of them had stabbed him, to prevent his discovering it. Pompey received this intelligence at his gardens. I was sent for immediately; and by the advice of his friends the affair was laid before the senate. I

could not help being in the greatest consternation, to see the guardian both of me and my country under so great an apprehension; yet I could not help wondering that such credit was given to a butcher, that the confessions of a parcel of drunken slaves should be read; and that a wound in the side, which seemed to be the prick only of a needle, should be taken for the thrust of a gladiator. But, as I understand, Pompey was showing his caution, rather than his fear; and was disposed to be suspicious of every thing, that you might have reason to fear nothing. There was a rumour also that the house of C. Cæsar, so eminent for his rank and courage, was attacked for several hours in the night. Nobody heard, nobody perceived any thing of it, though the place was so public; yet the affair was thought fit to be inquired into. I could never suspect a man of Pompey's distinguished valour of being timorous; nor yet think any caution too great in one who has taken on himself the defence of the whole republic. A senator too, in a full house, affirmed lately in the capitol that Milo had a dagger under his gown at that very time; on which he stripped himself in that most sacred temple, that, since his life and manners could not gain him credit, the thing itself might speak for him.

These stories were all discovered to be false, malicious forgeries: but if, after all, Milo must still be feared, it is no longer the affair of Clodius, but your suspicions, Pompey, which we dread; your—your suspicions, I say, and speak it so, that you may hear me. If you are afraid of Milo, if you imagine that he is either now forming, or has ever before contrived, any wicked design against your life; if the forces of Italy, as some of your agents allege, if this armed force, if the Capitoline troops, if these sentries and guards, if the chosen band of young men that guard your person and your house, is armed against the assaults of Milo; if all these precautions are taken

and pointed against him, great undoubtedly must be his strength and incredible his valour, far surpassing the forces and power of a single man, since the most eminent of all our generals is fixed on, and the whole republic armed to resist him. But who does not know that all the infirm and feeble parts of the state are committed to your care, to be restored and strengthened by this armed force? Could Milo have found an opportunity, he would immediately have convinced you that no man ever had a stronger affection for another than he has for you; that he never declined any danger where your dignity was concerned; that to raise your glory, he often encountered that monster Clodius; that his tribunate was employed, under your direction, in securing my safety, which you had then so much at heart; that you afterward protected him, when his life was in danger, and used your interest for him when he stood for the pretorship; that there were two persons whose warmest friendship he hoped he might always depend on; yourself, on account of the obligations you laid him under, and me, on account of the favours I received from him. If he had failed in the proof of all this; if your suspicions had been so deeply rooted as not to be removed; if Italy, in a word, must never have been free from new levies, nor the city from arms, without Milo's destruction, he would not have scrupled, such is his nature and principles, to bid adieu to his country: but first he would have called on thee, O thou great one, as he now does.

Consider how uncertain and variable the condition of life is, how unsettled and inconstant a thing fortune; what unfaithfulness is to be found among friends; what disguises suited to times and circumstances; what desertion, what cowardice in our dangers, even of those who are dearest to us. There will—there will, I say, be a time, and the day will certainly come, when you, with safety still, I hope, to your

fortunes, though changed perhaps by some turn of the common times, which, as experience shows, will often happen to us all, may want the affection of the friendliest, the fidelity of the worthiest, and the courage of the bravest man living. Though who can believe that Pompey, so well skilled in the laws of Rome, in ancient usages, and the constitution of his country, when the senate had given it him in charge to see that "the republic received no detriment;" a sentence always sufficient for arming the consuls without assigning them an armed force; that he, I say, when an army and a chosen band of soldiers were assigned him, should wait the event of this trial, and defend the conduct of the man who wanted to abolish trials? It was sufficient that Pompey cleared Milo from those charges that were advanced against him, by enacting a law, according to which, in my opinion, Milo ought, and by the confession of all, might lawfully be acquitted. But by sitting in that place, attended by a numerous guard assigned him by public authority, he sufficiently declares his intention is not to overawe (for what can be more unworthy a man of his character than to oblige you to condemn a person whom, from numerous precedents, and by virtue of his own authority, he might have punished himself?) but to protect you: he means only to convince you that, notwithstanding yesterday's riotous assembly, you are at full liberty to pass sentence according to your own judgments.

But, my lords, the Clodian accusation gives me no concern; for I am not so stupid, so void of all experience, or so ignorant of your sentiments, as not to know your opinion in relation to the death of Clodius. And though I had not refuted the charge, as I have done, yet Milo might, with safety, have made the following glorious declaration in public, though a false one: I have slain—I have slain, not a Sp. Mælius, who was suspected of aiming at the regal

power, because he courted the favour of the people by lowering the price of corn, and bestowing extravagant presents to the ruin of his own estate; not a Tiberius Gracchus, who seditiously deposed his colleague from his magistracy; though even their destroyers have filled the world with the glory of their exploits; but I have slain the man (for he had a right to use this language, who had saved his country at the hazard of his own life) whose abominable adulteries our noblest matrons discovered even in the most sacred recesses of the immortal gods: the man by whose punishment the senate frequently determined to atone for the violation of our religious rites: the man whose incest with his own sister, Lucullus swore he had discovered by due examination: the man who, by the violence of his slaves, expelled a person esteemed by the senate, the people, and all nations, as the preserver of the city and the lives of the citizens: the man who gave and took away kingdoms, and parcelled out the world to whom he pleased:* the man who, after having committed several murders in the forum, by force of arms obliged a citizen of illustrious virtue and character to confine himself within the walls of his own house: the man who thought no instance of villany or lust unlawful: the man who fired the temple of the Nymphs,† in order to destroy the public register, which contained the censure of his crimes: in a

* Clodius enacted a law against Ptolemy king of Cyprus, to deprive him of his kingdom and reduce it to a Roman province, and confiscate his whole estate. This prince was brother to the king of Egypt, and reigned by the same right of hereditary succession; was in full peace and amity with Rome; accused of no practices, nor suspected of any designs against the republic. But Clodius had an old grudge to him, for refusing to ransom him when he was taken by pirates, and sending him only the contemptible sum of two talents. To sanctify this iniquitous law, as it were, and give it the better face and colour of justice, Cato was charged with the execution of it; which gave Clodius a double pleasure, by imposing such a task on the gravest man in Rome.

† The Nymphs presiding over fountains had a temple erected to them at Rome, that they might prove propitious in preventing burnings. This temple Clodius set on fire.

word, the man who governed himself by no law, disregarded all civil institutions, and observed no bounds in the division of property; who never attempted to seize the estate of another by quirks of law, suborned evidence, or false oaths, but employed the more effectual means of regular troops, encampments, and standards; who by his armed forces endeavoured to drive from their possessions, not only the Tuscans (for them he utterly despised), but Q. Varius, one of our judges, that brave man and worthy citizen; who with his architects and measures traversed the estates and gardens of a great many citizens, and grasped in his own imagination all that lies between Janiculum and the Alps; who, when he could not persuade Titus Pacavius, an illustrious and brave Roman knight, to sell an island on the Pretian lake, immediately conveyed timber, stone, mortar, and sand into the island in boats, and made no scruple of building a house on another person's estate, even while the proprietor was viewing him from the opposite bank; who had the impudence, immortal gods! to declare to such a man as Titus Furfanius (for I shall omit the affair relating to the widow Scantia, and the young Apronius, both of whom he threatened with death if they did not yield to him the possession of their gardens), who had the impudence, I say, to declare to Titus Furfanius, that if he did not give him the sum of money he demanded, he would convey a dead body into his house,* in order to expose so eminent a man to the public odium; who dispossessed his brother Appius of his estate in his absence, a man united to me in the closest friendship; who attempted to run a wall through a court-yard belonging to his sister, and to build it in such a manner as

* Clodius threatened to convey a dead body into Furfanius's house, with a view of bringing him under a suspicion of having committed the murder in his own house: or perhaps his design was to make him thereby lose the right and property of his house; because, by a dead body's being brought into any house, it became sacred, and the proprietor was obliged to quit all his title to it.

not only to render the court-yard useless, but to deprive her of all entrance and access to her house.

Yet all these violences were tolerated, though committed no less against the commonwealth than against private persons, against the remotest as well as the nearest, strangers as well as relations: but the amazing patience of Rome was become, I know not how, perfectly hardened and callous. Yet by what means could you have warded off those dangers that were more immediate and threatening, or how could you have submitted to his government, if he had obtained it? I pass by our allies, foreign nations, kings, and princes; for it was your ardent prayer that he would turn himself loose on those rather than on your estates, your houses, and your money. Your money did I say? By heavens, he had never restrained his unbridled lust from violating your wives and children. Do you imagine that these things are mere fictions? are they not evident? not publicly known? not remembered by all? Is it not notorious that he attempted to raise an army of slaves, strong enough to make him master of the whole republic, and of the property of every Roman? Wherefore, if Milo, holding the bloody dagger in his hand, had cried aloud, Citizens, I beseech you, draw near and attend: I have killed Publius Clodius: with this right hand, with this dagger; I have saved your lives from that fury, which no laws, no government could restrain: to me alone it is owing, that justice, equity, laws, liberty, modesty, and decency have yet a being in Rome: could there be any room for Milo to fear how his country would take it? Who is there now that does not approve and applaud it? Where is the man that does not think and declare it as his opinion, that Milo has done the greatest possible service to his country; that he has spread joy among the inhabitants of Rome, of all Italy, and the whole world? I cannot indeed determine how high the transports of the Roman people may have risen

in former times; this present age however has been witness to many signal victories of the bravest generals; but none of them ever occasioned such real and lasting joy. Commit this, my lords, to your memories. I hope that you and your children will enjoy many blessings in the republic, and that each of them will be attended with this reflection, that if P. Clodius had lived, you would have enjoyed none of them. We now entertain the highest and, I trust, the best-grounded hopes, that, so excellent a person being consul, the licentiousness of men being curbed, their schemes broken, law and justice established, the present will be a most fortunate year to Rome. But who is so stupid as to imagine this would have been the case had Clodius lived? How could you possibly have been secure in the possession of what belongs to you, of your own private property, under the tyranny of such a fury?

I am not afraid, my lords, that I should seem to let my resentment for personal injuries rise so high, as to charge these things on him with more freedom than truth: for though it might be expected this should be the principal motive, yet so common an enemy was he to all mankind, that my aversion to him was scarcely greater than that of the whole world. It is impossible to express, or indeed to imagine, what a villain, what a pernicious monster he was. But, my lords, attend to this; the present trial relates to the death of Clodius: form now in your minds (for our thoughts are free, and represent what they please, just in the same manner as we perceive what we see)—form, I say, in your minds the picture of what I shall now describe. Suppose I could persuade you to acquit Milo, on condition that Clodius should revive. Why do your countenances betray those marks of fear? how would he affect you when living, if the bare imagination of him, though he is dead, so powerfully strikes you? What! if Pompey himself, a man possessed of that merit

and fortune which enable him to effect what no one besides can; if he, I say, had it in his power either to appoint Clodius's death to be inquired into, or to raise him from the dead, which do you think he would choose? Though from a principle of friendship he might be inclined to raise him from the dead, yet a regard to his country would prevent him. You therefore sit as the avengers of that man's death, whom you would not recall to life if you were able; and inquiry is made into his death by a law which would not have passed if it could have brought him to life. If his destroyer then should confess the fact, need he fear to be punished by those whom he has delivered? The Greeks render divine honours to those who put tyrants to death. What have I seen at Athens! what in other cities of Greece! what ceremonies were instituted for such heroes! what hymns! what songs! The honours paid them were almost equal to those paid to the immortal gods. And will you not only refuse to pay any honours to the preserver of so great a people, and the avenger of such execrable villanies, but even suffer him to be dragged to punishment? He would have confessed, I say, had he done the action—he would have bravely and freely confessed that he did it for the common good; and indeed he ought not only to have confessed, but to have proclaimed it.

For if he does not deny an action for which he desires nothing but pardon, is it likely that he would scruple to confess what he might hope to be rewarded for? unless he thinks it is more agreeable to you that he should defend his own life than the lives of your order; especially, as by such a confession, if you were inclined to be grateful, he might expect to obtain the noblest honours. But if you had not approved of the action (though how is it possible that a person can disapprove of his own safety?)—if the courage of the bravest man alive had not been agreeable to his countrymen, he would have de-

parted with steadiness and resolution from so ungrateful a city: for what can show greater ingratitude than that all should rejoice, while he alone remained disconsolate who was the cause of all the joy? Yet, in destroying the enemies of our country, this has been our constant persuasion, that as the glory would be ours, so we should expect our share of odium and danger: for what praise had been due to me, when in my consulate I made so many hazardous attempts for you and your posterity, if I could have proposed to carry my designs into execution without the greatest struggles and difficulties? what woman would not dare to kill the most villanous and outrageous citizens, if she had no danger to fear? But the man who bravely defends his country with the prospect of public odium, danger, and death is a man indeed. It is the duty of a grateful people to bestow distinguished honours on distinguished patriots; and it is the part of a brave man not to be induced by the greatest sufferings to repent of having boldly discharged his duty. Milo therefore might have made the confession which Ahala, Nasica, Opimius, Marius, and I myself formerly made. And had his country been grateful, he might have rejoiced; if ungrateful, his conscience must still have supported him under ingratitude. But that gratitude is due to him for this favour, my lords, the fortune of Rome, your own preservation, and the immortal gods all declare. Nor is it possible that any man can think otherwise, but he who denies the existence of an overruling Power or Divine Providence; who is unaffected by the majesty of your empire, the sun itself, the revolutions of the heavenly bodies, the changes and laws of nature, and, above all, the wisdom of our ancestors, who religiously observed the sacred rites, ceremonies, and auspices, and carefully transmitted them to their posterity.

There is, there certainly is such a Power; nor can

this grand and beautiful fabric of nature be without an animating principle, when these bodies and feeble frames of ours are endowed with life and perception. Unless perhaps men think otherwise, because it is not immediately discerned by them; as if we could discern that principle of wisdom and foresight by which we act and speak, or even could discover the manner and place of its existence! This, this is the very Power which has often, in a wonderful manner, crowned Rome with glory and prosperity; which has destroyed and removed this plague; which inspired him with presumption to irritate by violence, and provoke by the sword, the bravest of men, in order to be conquered by him; a victory over whom would have procured him eternal impunity, and full scope to his audaciousness. This, my lords, was not effected by human prudence, nor even by the common care of the immortal gods. Our sacred places themselves, by heavens, which saw this monster fall, seemed to be interested in his fate, and to vindicate their rights in his destruction: for you, ye Alban mounts and groves, I implore and attest, ye demolished altars of the Albans, the companions and partners of the Roman rites,* which his fury, after having demolished the sacred groves, buried under the extravagant piles of his building. On his fall, your altars, your rites, flourished, your power prevailed, which he had defiled with all manner of villany. And you, O venerable Jupiter! from your lofty Latian mount, whose lakes, whose woods, and borders he polluted with the most abominable lust and every species of guilt, at last opened your eyes.

* Cicero here refers to those rites which were common to all the people of Latium with the Romans. They were at first instituted by Tarquinius Superbus, who, in order to keep the Latin association firm to their engagements with him, erected a new temple in the midst of them to Jupiter Latialis, on a hill near the ruins of Alba, where the diets of the united cantons were annually to assemble on the twenty-seventh of April, which was called Feriæ Latinæ, and jointly offer sacrifices to Jupiter, and feast together in token of union.

to behold his destruction: to you, and in your presence, was the late, but just and deserved, penalty paid: for surely it can never be alleged that, in his encounter with Milo before the chapel of the Bona Dea, which stands on the estate of that worthy and accomplished youth P. Sextius Gallus, it was by chance he received that first wound, which delivered him up to a shameful death, I may say under the eye of the goddess herself; no, it was that he might appear, not acquitted by the infamous decree, but reserved only for this signal punishment.

Nor can it be denied that the anger of the gods inspired his followers with such madness as to commit to the flames his exposed body without pageants, without singing, without shows, without pomp, without lamentations, with any oration in his praise,* without the rites of burial, besmeared with gore and dirt, and deprived of that funeral solemnity which is always granted even to enemies. It was inconsistent with piety, I imagine, that the images of such illustrious persons should grace so monstrous a parricide; nor could he be torn by the dogs when dead in a more proper place than that where he had been so often condemned while alive. Truly the fortune of the Roman people seemed to me hard and cruel, which saw and suffered him to insult the state for so many years. He defiled with lust our most sacred rites; violated the most solemn decrees of the senate; openly corrupted his judges; harassed the

* In all the funerals of note, the corpse was first brought with a vast train of followers into the forum, where one of the nearest relations ascending the rostra, obliged the audience with an oration in praise of the deceased. If none of the kindred undertook the office, it was discharged by some of the most eminent persons in the city for learning and eloquence, as Appian reports of the funeral of Sylla. The invention of this custom is generally attributed to Valerius Poplicola, soon after the expulsion of the royal family. Plutarch tells us that, "honouring his colleague's obsequies with a funeral oration, it so pleased the Romans, that it became customary for the best men to celebrate the funerals of great persons with speeches in their commendation."

senate in his tribuneship;* abolished those acts which were passed with the concurrence of every order for the safety of the state;† drove me from my country; plundered my goods; fired my house, persecuted my wife and children; declared an execrable war against Pompey; assassinated magistrates and citizens; burned my brother's house; laid Tuscany waste; drove many from their habitations and estates; was very eager and furious; neither Rome, Italy, provinces, nor kingdoms could confine his phrensy. In his house laws were hatched which were to subject us to our own slaves; there was nothing belonging to any one, which he coveted, that this year he did not think would be his own. None but Milo opposed his designs: he looked on Pompey, the man who was best able to oppose him, as firmly attached to his interest, by their late reconciliation. The power of Cæsar he called his own; and my fall had taught him to despise the sentiments of all good men: Milo alone resisted him.

In this situation, the immortal gods, as I before observed, inspired that furious miscreant with a design to waylay Milo. No otherwise could the monster have been destroyed; the state could never have avenged its own cause. Is it to be imagined that the senate could have restrained him when he was pretor, after having effected nothing while he was only in a private station? Could the consuls have been strong enough to check their pretor? In the first place, had Milo been killed, the two consuls

* Clodius, the more effectually to ruin Cicero, had in his tribuneship decreed provinces to Gabinius and Piso, contrary to the authority of the senate.

† Though the putting Catiline's accomplices to death was not done by Cicero's single authority, but by a general vote of the senate, and after a solemn hearing and debate, yet Clodius pretended it was illegal; and accordingly passed a law, importing, "that whoever had taken the life of a citizen uncondemned and without trial should be prohibited from fire and water."

must have been of his faction; in the next place, what consul would have had courage to oppose him when pretor, whom he remembered, while tribune, to have grievously harassed a person of consular dignity? He might have oppressed, seized, and obtained every thing: by a new law which was found among the other Clodian laws, he would have made our slaves his freedmen. In short, had not the immortal gods inspired him, effeminate as he was, with the frantic resolution of attempting to kill the bravest of men, you would this day have had no republic. Had he been pretor, had he been consul, if indeed we can suppose that these temples and these walls could have stood till his consulship; in short, had he been alive, would he have committed no mischief, who, when dead, by the direction of Sextus Clodius, one of his dependants, set the senate-house on fire? Was ever sight more dreadful, more shocking, and more miserable? That the temple of holiness, dignity, wisdom, public counsel, the head of this city, the sanctuary of her allies, the refuge of all nations, the seat granted to this order by the unanimous voice of the Roman people, should be fired, erased, and defiled? And not by a giddy mob, though even that would have been dreadful, but by one man; who, if he dared to commit such havoc for his deceased friend as a revenger, what would he not, as a leader, have done for him when living? He chose to throw the body of Clodius into the senate-house, that, when dead, he might burn what he had subverted when living. Are there any who complain of the Appian way, and yet are silent as to the senate-house? Can we imagine that the forum could have been defended against that man, when living, whose lifeless corse destroyed the senate-house? Raise, raise him, if you can, from the dead; will you break the force of the living man, when you can scarce sustain the rage occasioned by his unburied body? unless you pretend that you

sustained the attacks of those who ran to the senate-house with torches, to the temple of Castor with scythes, and flew all over the forum with swords. You saw the Roman people massacred, an assembly attacked with arms, while they were attentively hearing Marcus Cœlius, the tribune of the people; a man undaunted in the service of the republic;* most resolute in whatever cause he undertakes; devoted to good men, and to the authority of the senate; and who has discovered a divine and amazing fidelity to Milo under his present circumstances;† to which he was reduced either by the force of envy, or a singular turn of fortune.

But now I have said enough in relation to the cause, and perhaps taken too much liberty in digressing from the main subject. What then remains but to beseech and adjure you, my lords, to extend that compassion to a brave man which he disdains to implore, but which I, even against his consent, implore and earnestly entreat. Though you have not seen him shed a single tear while all are weeping around him, though he has preserved the same steady countenance, the same firmness of voice and language, do not on this account withhold it from him:

* As Milo returned to Rome the same night on which the senate-house was set on fire, Cœlius, one of the tribunes of the people, having called an assembly of all those who favoured Milo, inveighed severely against Clodius, and enumerated the various instances of his guilt and villany; on which the rest of the tribunes rushed into the forum, with a body of armed men, and had killed both Cœlius and Milo, if they had not dressed themselves like slaves, and by that means made their escape. They killed many of the citizens, those especially who by their dress seemed to be persons of distinction; and under a pretence of searching for Milo, forced their way into many houses, and plundered them.

† Pompey, to calm the public disorders occasioned by Clodius's death, published several new laws, by one of which the method of trials was altered, and the length of them limited. Three days were allowed for the examination of witnesses, and the fourth for the sentence; on which the accuser was to have two hours only to enforce the charge, the criminal three for his defence. Cœlius vigorously opposed this law, as having no foundation in justice or equity, and being provided particularly against Milo. He was obliged to withdraw his negative, however, on Pompey's declaring that he would support it by force of arms.

indeed I know not whether these circumstances ought not to plead with you in his favour. If in the combats of gladiators, where persons of the lowest rank, the very dregs of the people, are engaged, we look with so much contempt on cowards, on those who meanly beg their lives, and are so fond of saving the brave, the intrepid, and those who cheerfully offer their breasts to the sword; if, I say, we feel more pity for those who seem above asking our pity, than for those who with earnestness entreat it, how much more ought we to be thus affected where the interests of our bravest citizens are concerned? The words of Milo, my lords, which he frequently utters, and which I daily hear, kill and confound me. "May my fellow-citizens," says he, "flourish, may they be safe, may they be glorious, may they be happy! May this renowned city prosper, and my country, which shall ever be dear to me, in whatsoever manner she shall please to treat me! Since I must not live with my fellow-citizens, let them enjoy peace and tranquillity without me; but then, to me let them owe their happiness. I will withdraw, and retire into exile: if I cannot be a member of a virtuous commonwealth, it will be some satisfaction not to live in a bad one; and as soon as I set foot within a well-regulated and free state, there will I fix my abode. Alas," cries he, "my fruitless toils! my fallacious hopes! my vain and empty schemes! Could I, who, in my tribuneship, when the state was under oppression, gave myself up wholly to the service of the senate, which I found almost destroyed; to the service of the Roman knights, whose strength was so much weakened; to the service of all good citizens, from whom the oppressive arms of Clodius had wrested their due authority; could I ever have imagined I should want a guard of honest men to defend me? When I restored you to your country (for we frequently discourse together), could I ever have thought that I should be driven

myself into banishment? Where is now the senate, to whose interest we devoted ourselves? Where, where," says he, "are those Roman knights of yours? What is become of that warm affection the municipal towns formerly testified in your favour? What is become of the acclamations of all Italy? What is become of thy art, of thy eloquence, my Tully, which have so often been employed to preserve your fellow-citizens? Am I the only person to whom alone they can give no assistance; I, who have so often engaged my life in your defence?"

Nor does he utter such sentiments as these, my lords, as I do now, with tears, but with the same intrepid countenance you now behold; for he denies, he absolutely denies, that his fellow-citizens have repaid his services with ingratitude; but he confesses they have been too timorous, too apprehensive of danger. He declares, that in order to ensure your safety, he gained over the common people, all the scum of the populace, to his interest, when under their leader Clodius they threatened your property and your lives; that he not only curbed them by his resolution, but soothed their rage at the expense of his three inheritances.* And while by his liberality he appeases the fury of the people, he entertains not the least doubt but that his extraordinary services to the state will procure him your affection and favour. Repeated proofs of the senate's esteem he acknowledges that he has received, even on the present occasion; and declares that wherever fortune may convey him, she can never deprive him of those marks of honour, regard, and affection conferred on him by you and the people of Rome. He recollects too that he was declared consul by the

* Milo had three estates; one left him by his father, another by his mother, and the third by Caius Annius, his grandfather by the mother's side, by whom he was adopted. All the three he spent on largesses and public sports, for which he was charged with bribery; but Cicero says these largesses were bestowed on the people by Milo with no other design but that the rich might be preserved from being robbed.

universal suffrage of the people, the only thing he valued or desired; and that in order to his being invested with that office, the voice of the crier was only wanting; a matter in his opinion of very little importance. But now if these arms are to be turned against him, at last, it is a satisfaction to him that it is not owing to his guilt, but to the suspicion of it. He adds likewise, what is unquestionably true, that the brave and wise perform great actions, not so much on account of the rewards attending them, as on account of their own intrinsic excellence; that through his whole course of life, whatever he has done has been nobly done, since nothing can be more truly great than for a man to rescue his country from impending dangers: that they are without doubt happy whom their fellow-citizens have repaid with their due reward of honour; but that neither are those to be esteemed unhappy whose services have exceeded their rewards. Yet, should we in the pursuit of virtue have any of its rewards in view, he is convinced that the noblest of all is glory; that this alone compensates the shortness of life by the immortality of fame; that by this we are still present, when absent from the world, and survive even after death; and that by the steps of glory, in short, mortals seem to mount to heaven. "Of me," says he, "the people of Rome, all the nations of the earth shall talk, and my name shall be known to the latest posterity. Nay, at this very time, when all my enemies combine to inflame a universal odium against me, yet I receive the thanks, congratulations, and applauses of every assembly. Not to mention the Tuscan festivals instituted in honour of me, it is now about a hundred days since the death of Clodius, and yet, I am persuaded, not only the fame of this action, but the joy arising from it, has reached beyond the remotest bounds of the Roman empire. It is therefore," continues he, "of little importance to me how this body of mine

is disposed of, since the glory of my name already fills, and shall ever possess, every region of the earth."

This, Milo, is what you have often talked to me, while these were absent; and now that they are present, I repeat it to you. Your fortitude I cannot sufficiently applaud; but the more noble and divine your virtue appears to me, the more distress I feel in being torn from you. Nor when you are separated from me shall I have the poor consolation of being angry with those who give the wound; for the separation is not made by my enemies, but by my friends; not by those who have at any time treated me injuriously, but by those to whom I have been always highly obliged. Load me, my lords, with as severe afflictions as you please, even with that I have just mentioned (and none surely can be more severe), yet shall I ever retain a grateful sense of your former favours. But if you have lost the remembrance of these, or if I have fallen under your displeasure, why do not ye avenge yourselves rather on me than Milo? Long and happily enough shall I have lived, could I but die before such a calamity befall me. Now I have only one consolation to support me, the consciousness of having performed for thee, my Milo, every good office of love and friendship it was in my power to perform: for thee I have dared the resentment of the great and powerful: for thee I have often exposed myself to the swords of thy enemies; for thee I have often prostrated myself as a suppliant: I have embarked my own and my family's estate on the same bottom with thine; and at this very hour, if you are threatened with any violence, if your life runs any hazard, I demand a share in your danger. What now remains? what can I say? what can I do to repay the obligations I am under to you, but embrace your fortune, whatever it shall be, as my own? I will not refuse; I accept my share in it: and, my lords, I entreat you either to

crown the favours you have conferred on me by the preservation of my friend, or cancel them by his destruction.

Milo, I perceive, beholds my tears without the least emotion. Incredible firmness of soul! he thinks himself in exile there, where virtue has no place; and looks on death, not as a punishment, but as the period of our lives. Let him then retain that nobleness of soul which is natural to him; but how, my lords, are you to determine? Will ye still preserve the memory of Milo, and yet drive his person into banishment? And shall there be found on earth a place more worthy the residence of such virtue than that which gave it birth? On you, on you I call, ye heroes, who have lost so much blood in the service of your country; to you, ye centurions, ye soldiers, I appeal in this hour of danger to the best of men, and bravest of citizens; while you are looking on, while you stand here with arms in your hands, and guard this tribunal, shall virtue like this be expelled, exterminated, cast out with dishonour? Unhappy, wretched man that I am! could you, Milo, by these recall me to my country; and by these shall I not be able to keep you in yours? What answer shall I make to my children, who look on you as another father? What to you, Quintus, my absent brother, the kind partner of all my misfortunes? that I could not preserve Milo by those very instruments which he employed in my preservation? in what cause could I not preserve him? a cause approved of by all. Who have put it out of my power to preserve him? Those who gained most by the death of Clodius. And who solicited for Milo? I myself. What crime, what horrid villany was I guilty of when those plots that were conceived for our common destruction were all by my industry traced out, fully discovered, laid open before you, and crushed at once? From that copious source flow all the calamities which befall me and mine. Why did you

desire my return from banishment? Was it that I might see those very persons who were instrumental in my restoration banished before my face? Make not, I conjure you, my return a greater affliction to me than was my banishment: for how can I think myself truly restored to my country, if those friends who restored me are to be torn from me?

By the immortal gods, I wish (pardon me, O my country! for I fear what I shall say out of a pious regard for Milo may be deemed impiety against thee) that Clodius not only lived, but were pretor, consul, dictator, rather than be witness to such a scene as this. Immortal gods! how brave a man is that, and how worthy of being preserved by you! "By no means," he cries: "the ruffian met with the punishment he deserved; and let me, if it must be so, suffer the punishment I have not deserved." Shall this man, then, who was born to save his country, die anywhere but in his country? Shall he not at least die in the service of his country? Will you retain the memorials of his gallant soul, and deny his body a grave in Italy? Will any person give his voice for banishing a man from this city whom every city on earth would be proud to receive within its walls? Happy the country that shall receive him! ungrateful this, if it shall banish him! wretched, if it should lose him! But I must conclude; my tears will not allow me to proceed, and Milo forbids tears to be employed in his defence. You, my lords, I beseech and adjure, that, in your decision, you would dare act as you think. Trust me, your fortitude, your justice, your fidelity will more especially be approved of by him who in his choice of judges has raised to the bench the bravest, the wisest, and the best of men.

ORATION XIII.—FOR MARCUS MARCELLUS.

ARGUMENT.

Marcus Marcellus was the head of a family, which for a succession of many ages had made the first figure in Rome: and was himself adorned with all the virtues that could qualify him to sustain that dignity which he derived from his noble ancestors—He had formed himself in a particular manner for the bar, where he soon acquired great fame; and, of all the orators of his time, seems to have approached the nearest to Cicero himself, in the character of a complete speaker—His manner of speaking was elegant, strong, and copious; with a sweetness of voice, and propriety of action, that added a grace and lustre to every thing he said—Of all the magistrates, he was the fiercest opposer of Cæsar's power, and the most active to reduce it; his high spirit, and the ancient glory of his house, made him impatient under the thought of receiving a master; and when the battle of Pharsalia, where he was present on the side of Pompey, seemed at last to have imposed one on him, he retired to Mitylene, the usual resort of men of learning; there to spend the rest of his days in a studious retreat, remote from arms, and the hurry of war, and determined not to seek any grace from the conqueror—The senate, however, encouraged by the clemency which had been shown to several of the Pompeian chiefs, petitioned Cæsar for his pardon, who generously granted their request, though he still suspected that Marcellus remained his enemy—Cicero, touched with the generosity of this act of grace, and pleased with the favour conferred on his friend, expressed his thanks in the following oration: which, though made on the spot, yet, for elegance of diction, vivacity of sentiment, and politeness of compliment, is superior to any thing extant of the kind in all antiquity—It was delivered A. U. C. 707, and the sixty-first of Cicero's age.

This day, conscript fathers, puts an end to that long silence which I have observed;* not through

* During the civil war between Pompey and Cæsar there was no senate held at Rome; for the senators had retired, some to one city, some to another. A great majority of them indeed followed Pompey, with the better sort of all ranks; in this number was Cicero, who, after his return to Rome, though he received all possible marks of favour from Cæsar, kept himself private for some time, and made no appearance in the senate.

any fear, but partly through grief, partly through shame, and puts me again in possession of the happy privilege of speaking my sentiments as they arise, with my usual freedom. I cannot behold so great humanity, such unparalleled and unheard-of clemency, so much moderation in the midst of such unlimited power; in one word, such incredible and almost divine wisdom, and remain in silence: for by the restoration of M. Marcellus to you and the state, I please myself with the thought, conscript fathers, that not only his, but my voice and authority are secured, and restored to you and the republic. It was matter of great, of inexpressible concern to me, conscript fathers, to find that so eminent a man, who had espoused the same cause with myself, did not partake of the same fortune; nor could I be satisfied, or think it equitable, to enter on my former course, while my rival, the imitator of my pursuits and toils,* and, as it were, my companion and partner, was torn from me. You have therefore, Cæsar, opened for me the way to my former state of life, and given, as it were, a signal to these fathers of Rome, to entertain the best hopes for the welfare of the republic: for when you gave back M. Marcellus to the senate and people of Rome, especially after recounting his offences,† you convinced all

* Marcellus was a constant admirer and imitator of Cicero; of the same principles in peace, and on the same side in war; so that Cicero lamented his absence, as the loss of a companion and partner, in their common studies and labours of life.

† Cæsar, after he had put an end to the Gallic war, though his commission was near expiring, had no thoughts of giving it up; pretending that he could not possibly be safe, if he parted with his army, while Pompey had the province of Spain prolonged to him for five years. The senate, to make him easy, consented to let him take the consulship, without coming to sue for it in person; but that not satisfying him, Marcellus, who was then consul, moved them to abrogate his command directly, and appoint him a successor; and since the war was at an end, to oblige him to disband his troops, and to come likewise in person to sue for the consulship, nor to allow the freedom of the city to his colonies beyond the Po. This related particularly to a favourite colony which Cæsar had settled at Comum, at the foot of the Alps, with the freedom of the city granted to it by the Vatinian law. All the other colonies on that side of

men of what I had learned before from your conduct to myself in particular, and to many others, that you had sacrificed your resentments and your suspicions to the authority of this order, and the dignity of the state. The unanimous intercession of the senate, with your solemn and generous determination in his favour, has this day fully repaid the services of his past life; whence you may easily infer what a degree of merit must attend the conferring the favour, since there is so much glory in receiving it. Happy is that man, indeed, whose safety affords not greater joy to himself than all mankind! and such is the case of Marcellus, who highly deserves the fortune that attends him: for who more illustrious than he? who more upright? who more fond of useful learning? who more virtuous? who possessed of more laudable accomplishments?

No flow of genius, no force of eloquence, no power of description, is sufficient, Cæsar, I will not say to embellish, but even to recount your exploits: yet this I affirm, and this with deference insist on, that from none of them will you reap greater glory than from that of this day. It has often occurred to me, and I have often declared it with pleasure, that none of the achievements of our own commanders, none of foreign nations, none of the most illustrious monarchs, are worthy to be compared with yours, either in regard to the importance of the contests, the number of battles, the variety of countries, the celerity of conquests, or the diversity of enterprises. Countries the farthest distant from each other could not have been sooner travelled through, I will not say than they have been traversed by your

the Po had before obtained from Pompey's father the rights of Latium, that is, the freedom of Rome to those who had borne an annual magistracy in them: but Marcellus, out of enmity of Cæsar, would allow no such right to his colony of Comum: and, having caught a certain Comensian magistrate, who was acting the citizen at Rome, he ordered him to be seized and publicly whipped; an indignity from which all citizens were exempted by law; bidding the man go and show those marks of his citizenship to Cæsar.

armies, but subdued by your victories. These are circumstances so extraordinary, that it were madness not to confess that they are almost too great for human conception; but there are attainments even greater than these: for many are apt to depreciate military glory; and, lest the commander should assume too much, take part from the officer, and give it to the private soldier. And certainly in war the bravery of the troops, the advantage of situation, the aid of allies, fleets, and military stores, are of great importance; and, after all, fortune, as it were of right, claims the greatest share; and whatever is attended with success she for the most part arrogates to herself. But in the glory, Cæsar, which you have lately acquired, you have no associate; how great soever it is, and surely nothing can be greater, it is all your own. No commander, no captain, no troop, no battalion robs you here; nay, even fortune, the goddess who presides over human affairs, claims no share of this honour; to you she resigns it, and acknowledges it is entirely, it is absolutely your own: for rashness never mingles with wisdom, nor chance with counsel.

You have subdued nations fiercely barbarous, immensely numerous, at an infinite distance from each other, abounding in every thing necessary for war; but these were conquests which the nature of things rendered possible: for no force is so great, no power so extensive, but is capable of being reduced by greater force, of being overcome by more extensive power; but he who subdues the mind, who suppresses his resentment, who uses victory with moderation, who not only raises an ingenious, an illustrious, and brave adversary to the honour from which he had fallen, but heightens and enlarges his former dignity; he who does this suffers by a comparison with the greatest of human characters, for he resembles the deity himself. Your military praises, Cæsar, shall be celebrated· they, I say, shall be

celebrated, not only among us, but in every language, in the annals of every nation, and the latest posterity shall proclaim them. The fame of these exploits, however, while we read of them, seems, I know not how, to be drowned amid the shouts of armies and the din of war; but when we read or hear of a compassionate, a generous, a humane, a just, a moderate, a prudent act performed while in anger, that foe to deliberation, and in the triumph of victory, when men are generally proud and insolent; with such an ardent affection are we inflamed that we are frequently in love with persons whom we never saw; and this not only while we contemplate realities, but even while we survey the pictures of the imagination. But with what gratitude shall we embrace, with what veneration approach, with what applause shall we crown you, whom we have constantly among us; whose disposition, whose inclination, whose countenance seems to promise that whatever has survived the fortune of the late war shall be again secured to us! By heavens, Cæsar, the walls of this court seem with transport to pay their grateful acknowledgments to you; conscious, as it were, that ere long the authority of our ancestors shall be again replaced within them.

Indeed when I beheld the tears which that singularly pious, that best of men, C. Marcellus,* poured out before you, the memory of all the Marcelli struck me to the heart; whose dignity, even after their death, you have restored, by the preservation of M. Marcellus; and rescued that illustrious house, now well-nigh extinct, from almost total ruin. Justly, therefore, may you prefer the glory of this day to that of your numberless heroic deeds; for this is the act of Cæsar alone. Great indeed are the exploits which have been performed under

* This C. Marcellus was consul with L. Lentulus, in the first year of the civil war. He was brother to Marcus Marcellus, and addressed Cæsar in his behalf in a very humble and affectionate manner.

your conduct; yet they were performed with great, with powerful assistance. In the act of this day you are yourself the conductor, yourself the assistant; an act so truly great, that time itself shall not consume the trophies and monuments it has reared: all the works of art and labour must be destroyed by age; but this proof of your justice and gentleness of disposition shall daily flourish more and more; so that in proportion as time shall consume the other monuments of your greatness, it shall heighten the glory of this. You had before risen superior, in the virtues of equity and mercy, to every other conqueror in our civil wars; this day you have risen superior to yourself. But what I say, I am afraid, falls infinitely short of what I feel: permit me therefore to add, that you seem to have triumphed over victory herself, since you have restored to the conquered what you had gained by the conquest: for by the right of arms we might all have been treated as enemies; but your clemency saved us: you alone therefore are invincible, since even victory is by you stripped of all her power and privileges.

And observe, conscript fathers, how widely this clemency of Cæsar extends. All of us, who were driven into the war by an unaccountable and destructive fatality of the state, though we are certainly in some degree liable to the imputation of human infirmity, yet are we evidently acquitted of guilt: for though he has, at your intercession, preserved M. Marcellus to the republic, yet has he, unsolicited, restored me to myself and to the state; and likewise restored, to themselves and to their country, those illustrious men whose number and dignity grace this assembly: he has not brought his enemies within these walls, but generously imagined that most of those who opposed him engaged in the war rather through ignorance and groundless fears, than from principles of ambition, or a love of cru-

elty. In that war, indeed, I thought it always advisable to hearken to proposals of peace, and was not a little grieved that not only an accommodation, but even the petition of the citizens who earnestly implored it, was totally rejected. Never was I active in these or any other civil commotions: I have always been an advocate for peace and tranquillity, always an enemy to war and bloodshed. I joined Pompey on friendly, not political principles; and so strongly was I influenced by a grateful sense of my obligations to him, that not only without any ambition, but even without any hope, I rushed voluntarily on evident destruction. My advice relating to the war was far from being secret. Before matters came to an extremity, I stated largely the advantages of peace in this assembly; and during the war I maintained the same opinion, even at the hazard of my life.* Whence none can form so unjust an estimate of things as to doubt what were the sentiments of Cæsar on this head, since he immediately resolved to preserve those who were the advisers of peace, but behaved with more resentment to the rest. This conduct might not perhaps appear so surprising, when the event of the war was uncertain, and victory doubtful; but when he who is victorious caresses the friends of peace, he gives the clearest proof that he would rather not have fought than have conquered.

And as to this point, I am an evidence in behalf of M. Marcellus: for our sentiments were always the same, as well in war as in peace. How often, and with what concern, have I seen him trembling

* Cicero was not present at the battle of Pharsalia, nor was Cato, who staid behind also in the camp at Dyrrachium, which he commanded with fifteen cohorts, when Labienus brought them the news of Pompey's defeat; on which Cato offered the command to Cicero, as the superior in dignity; and on his refusal of it, as Plutarch tells us, young Pompey was so enraged, that he drew his sword, and would have killed him on the spot, if Cato had not prevented it. Though this fact is not mentioned by Cicero, yet it is probable that he refers to it in this passage.

at the insolence of some among us, and the inhumanity to which victory might transport him? Hence it is, Cæsar, that we who have been witnesses of these things ought to be the more sensible of your generosity: for we are not now weighing the merits of the cause, but the consequences of victory. We have seen your victory close in the field where it was won, and have never seen a sword drawn within our walls. The citizens we lost fell in battle, not by the insolence of victory; whence there can be no doubt but that, if it were possible, Cæsar would recall many from the shades, since he now saves all he can from destruction. As to the other party, I shall only add, what we were all afraid of, that had they been successful they would have been outrageous,* since some among them, not only threatened those who were actually in arms, but sometimes even the neutral and inactive, and publicly declared they would not inquire what a man thought, but where he had been: so that it seems to me as if the immortal gods (though they may have raised this destructive, this calamitous civil war to punish the Roman people for some aggravated offence), being appeased or sufficiently avenged, had at length directed us to hope for safety from the wisdom and compassion of our conqueror. Wherefore, rejoice in this amiable quality; enjoy your fortune and dignity; enjoy your virtue and noble disposition; from which the wise derive the highest delight and satisfaction. When you reflect

* It appears from many of Cicero's letters, that he was frequently shocked, when he considered with what cruelty and effusion of blood the success even of his own friends would certainly be attended: for Pompey on all occasions affected to imitate Sylla, and was often heard to say, "Could Sylla do such a thing, and cannot I do it?" as if determined to make Sylla's victory the pattern of his own. He was in much the same circumstances in which that conqueror had once been; sustaining the cause of the senate by his arms, and treated as an enemy by those who possessed Italy; and as he flattered himself with the same good fortune, so he was meditating the same kind of return, and threatening ruin and proscription to all his enemies.

on the other illustrious actions of your life, though you will find reason to attribute much to your bravery, yet, more must be attributed to your good fortune; but as often as you think of us, whom you have reserved to enjoy with yourself the happiness of our country, so often shall be revived in your mind the pleasing remembrance of your extensive beneficence, of your amazing generosity, and of your unparalleled wisdom; virtues which, I will venture to say, not only constitute the highest but the only happiness of our natures. So distinguished a lustre is there in deserved applause, so great a dignity in magnanimity and true wisdom, that these seem the gift of virtue, while other blessings are only the temporary loan of fortune. Continue therefore to protect the good; those especially who fell not through ambition or depravity of mind, but erred through an imaginary apprehension of their duty, weak perhaps, surely not criminal, and supported by an appearance of patriotism. If you have been dreaded by any, their fears are not to be charged to your account; on the contrary, it is your highest honour that most men now perceive there was no foundation for them.

I now proceed to your heavy charge and dark suspicions;* suspicions that call not more loudly for your circumspection, than for that of every Roman, but more especially for ours, who are indebted to you for our security; and though I hope they are groundless, yet I will not, by what I shall now say, endeavour to lessen them: for in your precaution consists our safety: so that were I to err in either extreme, I would rather appear timid than imprudent. But where is the man so outrageously desperate? Is he among your friends? Who can be more so

* When Marcellus's brother threw himself at the feet of Cæsar, and applied for a pardon in the most humble and affectionate manner, Cæsar complained greatly of Marcellus, and said he suspected that he designed to lay snares for him.

than those whom, contrary to their own expectations, you rescued from ruin? Is he among the number of those who accompanied you to the war? It is not to be suspected that any of them can be so madly infatuated as not to prefer to his own life the life of him under whose command he has risen to every thing he could wish for. But though your friends meditate no ill, the designs of your enemies ought to be guarded against: where are they to be found? All those who were once such have either lost their lives by their own obstinacy, or owe them to your clemency; so that none of those who ever were your enemies are now alive, or, if they are, they are now become your firmest friends. Yet so impenetrable are the secrets of mens' hearts, so deep, so dark their designs, that it becomes us to increase your suspicion, that we may at the same time increase your circumspection: for who is so void of knowledge, so unacquainted with the affairs of the state, so thoughtless about his own or the public safety, as not to perceive that your preservation includes his own, and that on your life depends the life of every Roman? In truth, while you are day and night, as you ought to be, the subject of my thoughts, I dread the common accidents of life, the precarious enjoyment of health, and the weakness to which human nature is universally subject, and behold with concern this republic, which ought to be immortal, depending for its existence on the life of one man; but if the united force of guilt and treason should be added to the common accidents of life and the uncertain enjoyment of health, what god, though he was willing, can we depend on to save our country?

By you alone, Cæsar, every thing which you now see prostrate and overthrown by the unavoidable shock of war, is to be raised to its former state; justice must be re-established; public credit retrieved; every inordinate passion suppressed; the

propagation of mankind encouraged; and every irregularity, every dissolute practice, checked and restrained by the severity of laws. It was not to be expected, but that in so calamitous a civil war, amid the rage of faction and the combustion of arms, the shattered state, whatever was the event of the contest, would lose many of its most graceful ornaments, many of its most powerful supports; and it may be presumed that the commander of each party did many things in the hurry of war which, in the calm of peace, he would have condemned. You alone are the person who must bind up the wounds which your bleeding country has received from the relentless hand of war; for none but you can heal them. It was not without concern, therefore, that I heard from your mouth that celebrated, that philosophic saying, that you had lived long enough for the purposes of nature, or the acquisition of glory. Long enough, if you will, for the purposes of nature; for the acquisition of glory too, perhaps; but certainly not for the service of your country. Wherefore, discard, I beseech you, that stoicism which the learned affect in despising death; be not a philosopher at our expense. I am often told that you continually repeat that saying, that you have lived long enough for yourself. This I shall grant, if you lived for yourself, or were born for yourself alone. But since the safety of every citizen, and the very being of the state, has now a necessary connexion with your conduct, so far are you from having perfected, that you have not yet laid the foundation of that important work you meditate. Will you measure your life then by the goodness of your own disposition, and not by the happiness of the state? but what if that should not be enough even for the purposes of glory, which, wise as you are, you must acknowledge to be the leading passion of your soul? shall I then, say you, leave behind me only an inconsiderable portion of glory?

for others it would be amply sufficient, but for you it is inconsiderable: for how great soever any thing may be in itself, it is still but small, when compared with what is much greater. Therefore, if after having conquered your enemies, Cæsar, you close the scene of those actions which have rendered you immortal by leaving the state in its present condition, beware, I entreat you, lest your divine virtues do not rather excite the admiration of others than brighten your own glory; for true glory consists in the honourable and universal reputation of having done many and important services, either to one's friends, his country, or the whole race of mankind.

This part of the drama is yet to be exhibited; one scene is yet to open; you must use your utmost endeavours to settle our constitution, that you may be among the first who enjoy the fruits of it, in the sweets of tranquillity and retirement; then, if you please, when you have paid the debt you owe to your country, and when nature is satiated with living, you may declare that you have lived long enough. But, after all, how can even this period be termed long enough, which must have some end, cancelling all past pleasure whenever it arrives, because there is none to succeed? Your soul has never been satisfied with the narrow limits of life which nature has prescribed us, but has ever glowed with an ardent longing after immortality. Nor can this be called your life, which consists in the union of the soul and body; that alone, Cæsar—that, I say, is your life, which shall be preserved in the memory of every succeeding age; shall be cherished by posterity, and defended by eternity itself. For these you must labour; to these you must approve yourself: many of your past exploits shall excite their admiration; something now is wanting that shall merit their applause. Future ages will, no doubt, be struck with surprise, when they read and hear of your commands, your provinces, the Rhine, the ocean, the Nile, your

innumerable battles, your incredible victories, your numerous trophies, rich donations,* and splendid triumphs; but unless this city is strengthened by your counsels, and guarded by your laws, your fame indeed will be scattered throughout the earth, but it will have no fixed residence, no certain place of abode. Those who shall arise hereafter will, like us, be divided in their opinions; while some extol your actions to the skies, others perhaps will wish that somewhat, nay, a great deal more, had been done; unless by restoring liberty to your country, on the extinction of civil discord, you show that the one was the work of fate, the other that of wisdom. Have a regard therefore to those who will pass sentence on your conduct many ages hence; and whose judgment, if I mistake not, will be more impartial than ours, as it will be uninfluenced by love, ambition, envy, or resentment. And though, as some falsely imagine, you should then be unconcerned at all this, yet surely it now concerns you to act such a part as that your glory may never be buried in oblivion.

Various were the inclinations of the citizens, and their opinions wholly divided; nor did we differ only in sentiments and wishes, but in arms and in the field. The merits of the cause were dubious, the contest lay between two of our most illustrious leaders: many doubted which was in the right; many, what was most convenient for themselves; many, what was decent; some, also, what was lawful. The republic is now freed from this fatal, this destructive war, and victory has favoured him whose resentment is not inflamed by success, but softened by clemency; him who has not adjudged to death or banishment those who were the objects of his displeasure. Some have quitted their arms; from others they have

* It was customary for the Roman generals, after obtaining a victory, to give such of their soldiers as had distinguished themselves by their bravery a *congiarium*, which, among the Romans, was a general name for all presents given on that occasion, whether money corn, &c.

been forced. Ungrateful and unjust is that citizen who, being delivered from the danger of war, retains the wrathful spirit of a warrior; far more amiable is he who falls in the field, and pours out his life in defence of the cause he had espoused; for what some will think obstinacy, others will call constancy. Now since all civil discord is quashed by your arms, or extinguished by your clemency, it remains that all of us who have any share of prudence, or even common understanding, should unite in our wishes. We can never be safe, Cæsar, unless you continue so, and retain the same principles which you have discovered on other occasions, but particularly on this day. Therefore all of us who wish the security of our constitution earnestly desire and entreat you to have a regard to your life and safety; and all of us (I now speak for others what are the sentiments of my own heart), seeing you apprehend some reason to be on your guard, promise, not only to protect you by day and night, but offer our own bodies and our own breasts as the shield of your defence.

But to close all as I began: great are the thanks, Cæsar, we now return you; and greater than these shall you hereafter receive. Our prayers and tears, on this occasion, are clear proofs of our being all of one mind; but as it is not necessary that we should all personally address you, they have allotted me that part, who am, as it were, indispensably obliged to perform it; and I am persuaded that it is in a peculiar manner incumbent on me, as I am appointed by the senate, and as M. Marcellus is the man restored to this assembly, to the people of Rome, and to the republic; for I perceive that you all rejoice on this occasion, not for the happiness of one man, but for the general safety. My friendship for him was universally observed to be scarce surpassed by his worthy and affectionate brother C. Marcellus, and, except him, certainly by none; and if by my solicitude, by my care and unwearied pains to serve him

while his preservation was doubtful, I showed this so great regard for him, it is surely a tribute which I ought to pay in an hour when I am freed from so much anxiety, trouble, and concern. Therefore, Cæsar, I here return you thanks, not only for the security of my fortune, and the honours you have conferred on me, but also for this generous instance of kindness by which you have crowned those innumerable favours to which I thought nothing could be added.

ORATION XIV.—FOR QUINTUS LIGARIUS.

ARGUMENT.

Quintus Ligarius had borne a considerable command in the African war against Cæsar—His two brothers however had always been on Cæsar's side; and being recommended by Pansa, and warmly supported by Cicero, had almost prevailed for his pardon—But Quintus Tubero, who had an old quarrel with Ligarius, being desirous to obstruct his pardon, and knowing Cæsar to be particularly exasperated against all those who, through an obstinate aversion to him, had renewed the war in Africa, accused him, in the usual forms, of an uncommon zeal and violence in prosecuting that war—Cæsar privately encouraged the prosecution, and ordered the cause to be tried in the forum, where he sat on it in person, strongly prepossessed against the criminal, and determined to lay hold on any plausible pretence for condemning him; but the pomp and energy of Cicero's eloquence, exerted with all his skill in a cause which he had much at heart, is said by Plutarch to have had such a wonderful effect, that it not only made Cæsar tremble, but, what is still more extraordinary, got the better of all his prejudices, and extorted a pardon from him against his will—Whatever truth there may be in this story, which rests entirely on the authority of Plutarch (who does not appear to have copied it from any earlier historian, but to have received it only from common tradition), the art and address displayed in the oration cannot be sufficiently admired—It was delivered A. U. C. 707, of Cicero's age sixty-one.

A new charge, Cæsar, and till this day unheard of, my kinsman Quintus Tubero has laid before you, namely, that Quintus Ligarius was in Africa: and Caius Pansa,* a person of the greatest abilities, relying perhaps on that share he has in your friendship,

* This was C. Vibius Pansa, who was consul with Hirtius, A. U. C. 710. He was zealously attached to Cæsar, served him in all his wars with singular affection and fidelity, but, being naturally of a humane and compassionate temper, he was touched with the miseries of the oppressed Pompeians, and by his interest restored many of them to the city and their estates, which rendered him extremely popular.

has ventured to own it. How to behave, therefore, I know not: for I had come prepared, as you could not possibly know this of yourself, nor learn it from any other person, to have taken advantage of your ignorance in this respect, in order to save an unfortunate man. But as this secret is discovered by the diligence of our adversary, we had best confess it, I think; especially as my good friend C. Pansa has so ordered matters that it cannot now be remedied; and omitting all debate on the matter, we must address ourselves entirely to your clemency, by which numbers have been preserved, obtaining at your hands not absolution from their crimes, but pardon for their error. You have then, Tubero, what is most to be wished for by a prosecutor, the person accused pleading guilty; but pleading that you, Tubero, and your father, a man worthy of the highest praises, acted the same part for which he is now accused: you are under a necessity of confessing your own crimes, therefore, before you can impeach Ligarius. Quintus Ligarius, then, when as yet there was not the least suspicion of a war, set out for Africa with Caius Considius, in quality of lieutenant; in which station he so behaved himself, both towards our countrymen and allies, that Considius, at his departure, could by no means have satisfied the inhabitants if he had given the government of the province to any other person. Quintus Ligarius, therefore, having long declined it to no purpose, entered on his charge with reluctance; and such was his administration in peace, that his integrity and honour greatly endeared him both to our countrymen and allies. A war suddenly blazed out, which those in Africa heard was already commenced before they received intelligence that any preparation was made towards it. On the news of this, partly from a rash partiality; partly from a blind fear, they looked out for a leader; first to protect them, afterward to favour their inclinations. All this time, Ligarius, turning his eyes towards his

native country, and being desirous of returning to his friends, did not suffer himself to be involved in any public business whatever. In the mean time, Publius Attius Varus,* who, as pretor, had obtained Africa for his province, came to Utica. To him everybody immediately ran, and he with no small eagerness took the command on himself, if that can be called a command which was conferred on a private man by an unthinking multitude, not by any public decree. Accordingly, Ligarius, who was desirous of avoiding all business of that kind, on the arrival of Varus gained a little respite.

Hitherto, Caius Cæsar, Quintus Ligarius is free from reproach. He went from home, not only to no war, but not even with the least suspicion of a war; he went as lieutenant in a time of peace, and behaved in such a manner, in a very peaceable province, that he had reason to wish for the continuance of peace. His departure surely ought not to give you offence: could then his stay there? certainly far less: for his departure argued no dishonourable views, and his stay was occasioned by a laudable necessity. During these two periods, therefore, he is free from reproach; when he departed as lieutenant, and when he was set over Africa, at the solicitation of the whole province. There is a third period, namely, that when he staid in Africa, after the arrival of Varus. If this was criminal, it was owing to necessity, not to choice. Would he, if he could by any means have escaped from thence, have chosen to stay at Utica, rather than at Rome; with Publius Attius, rather than with the most affectionate brothers; and with strangers, rather than with his own kindred? As his government had been full of trouble

* This Varus was the first who seized Africa on the part of the republic; and, being supported by all the force of King Juba, Pompey's fast friend, reduced the whole province to his obedience; but, being defeated by Cæsar, he fled with Sex. Pompeius and Labienus into Spain, and was killed in the battle of Munda.

and anxiety, on account of the incredible affection he bore to his brothers, could he be easy in his mind when torn from them by the tumults of war? Hitherto, Cæsar, you have not the least indication, in Quintus Ligarius, of his disaffection to you; whose cause, observe, with what zeal I defend, when I thereby betray my own. Admirable clemency! worthy to be extolled, to be proclaimed, to be celebrated, by public records and monuments. Marcus Cicero pleads before you that another person had not the same disposition towards you, which he confesses he himself had: nor does he dread your secret thoughts, or fear any reflections you make on himself, while you hear him pleading the cause of another.

See how undaunted I am; see what rays of light your wisdom and generosity dart on me, while I am pleading before you. I will raise my voice as much as I can, that all Rome may hear me. After the war was begun, Cæsar, nay, and considerably advanced, without any compulsion, from choice and inclination I joined that party which took arms against you. Before whom do I say this? even before him who, though he knew it, yet ere he saw me, restored me safe to my country; who sent letters to me from Egypt, permitting me to continue in the same character I had formerly sustained: who, when he was the only person throughout the whole empire of Rome that had the title of emperor, allowed me to share the same honour; from whom, this very Caius Pansa bringing me the message, I held the laurelled fasces as long as I thought proper; who, in a word, thought he then only gave me life, when he gave it me stripped of none of its ornaments. Observe, Tubero, I beseech you, how I, that make no scruple of confessing what was done by myself, yet dare not plead guilty to what was done by Ligarius; and I mentioned these things of myself, that Tubero may forgive me when I say the same of him. He is one

whose application and merit I am fond of, both on account of our near relation, the pleasure I receive from his genius and studies, and because I think the reputation of a young kinsman redounds in some measure to my own honour. But I desire to know one thing, who thinks it a crime in Ligarius that he was in Africa? the very man who was desirous of being there himself; who complains that he was hindered by Ligarius; and who is well known to have appeared in arms against Cæsar: for what, Tubero, did that naked sword of yours do in the battle of Pharsalia? whose breast was its point aimed at? what was then the meaning of your arms? your spirit? your eyes? your hands? your ardour of soul? what did you desire? what wish for? I press the youth too much; he seems disturbed. Let me return to myself; I too bore arms on the same side.

But what else, Tubero, did we aim at, but the power of doing what Cæsar now can do? Shall those very men, then, whose safety, Cæsar, is owing to your clemency, by their discourses stir you up to cruelty? and really, in this cause, Tubero, I think you have been wanting in point of prudence, and much more your father, who, though a man of distinguished learning and abilities, could not perceive the nature of this prosecution; for if he had, he would have chosen to have had it managed in any other manner than this. You accuse a man who pleads guilty: nor is this all: you impeach one whose cause is either, as I say, better than yours, or, as you yourself will have it, as good. What I mention is not only wonderful, but perfectly astonishing; the tendency of this charge of yours is not that Quintus Ligarius should be found guilty, but that he should be put to death: a thing which no citizen of Rome before you ever did. These are exotic matters: the volatile Greeks, or savage barbarians, used to push their resentment even to blood:-

and what else are you now doing? do you desire that Ligarius should be driven from Rome? that he should be banished from his own house, from his excellent brothers, from Titus Brocchus here, his uncle, his son, and me? that he should be deprived of his country? can he enjoy less of all these comforts than he has at present? He is forbid Italy; he lives in banishment. Your intent, then, is not to deprive him of his country, but of life. A prosecution like this no man ever carried on, not even before that dictator* who condemned all he hated to die; a dictator who ordered persons to be put to death, without any impeachment, and who even invited murderers by rewards: a cruelty which was revenged some years after by the very man you would now persuade to be cruel.

But I do not desire this, you will say: indeed, Tubero, I think you do not. For I know you; I know your father; I know your family and descent: the manners, in short, of your whole race, their virtue, their humanity, their skill in many, even the most useful arts, are all well known to me. Therefore I am certain you do not aim at blood; but you do not consider: for it appears that you are dissatisfied with the punishment which Quintus Ligarius now suffers. What other is there then but death? for if he is in banishment, as he actually is, what more can you require? that he may not be pardoned? this is still more cruel, still more grievous. Will you endeavour to prevent our obtaining what we sue for by prayers and tears, by prostrating ourselves at Cæsar's feet; relying not so much on our own cause as on his clemency? will you break in on our tears? will you strive to frustrate those prayers which, prostrate before him, we pour out with the voice of suppliants? If, while we were doing this at Cæsar's house, which we have often

* Sylla.

done, and, I hope, not ineffectually, you had suddenly broke in on us, and cried out, "Beware, Cæsar, how you pardon; beware how you are moved with compassion towards these brothers, imploring a brother's life at your hands;" would you not have divested yourself of all humanity? how much more cruel, then, is it for you now to oppose that in the forum which we implored at his house? and, in such a general calamity, to take away all refuge for mercy? I will deliver my sentiments, Cæsar, without disguise: if your own clemency were not as great as your fortune—your own, I say, for I know what I speak—your victory would occasion the deepest sorrow. For how many of the victorious party would persuade you to cruelty, when even the conquered do? how many of those who are against your pardoning any would prevent your clemency, when those who have been pardoned themselves are unwilling you should be merciful to others? but if we could make it appear to Cæsar that Ligarius actually was not in Africa; if we were even desirous of consulting the safety of an unfortunate citizen by a laudable and good-natured falsehood, it would be inhuman, when the life of a Roman is in such imminent danger, to convict us of falsehood: and if any man was to act such a part, it ought not surely to be that man who was once involved in the same cause and fortune. But it is one thing to wish Cæsar not to err; another to wish him not to be merciful. Then you would say, "Beware, Cæsar, how you believe: Ligarius was in Africa; he bore arms against you." But now what is it you say? "Beware how you pardon him." Is this the language of one man to another? Whoever, Cæsar, shall address you in this manner will sooner lay aside his own humanity than force you out of yours.

But the opening and preliminary of Tubero's pleading, I think, was this, that he intended to speak to the guilt of Quintus Ligarius. I question not but

you were at a loss to know, either why nobody else had ever been charged with that crime, or that a man should carry on such a prosecution who had been engaged in the same cause, or what new charge he would urge. Do you, Tubero, call it a crime? Why? for that cause has hitherto been free from such an imputation. Some call it an error, some fear; those who want to be somewhat severe give it the name of hope, ambition, hatred, obstinacy; those who are most severe call it rashness; you are the only one who has ever called it a crime. But, if we would assign a just and proper name to our misfortune, a certain fatal calamity appears to me to have seized and taken possession of the improvident minds of men: insomuch, that no one ought to be surprised that human counsels have been baffled by divine necessity. Let us be permitted to be wretched, though under such a conqueror it is impossible we should be so; but I speak not of ourselves, I speak of those that are fallen. Let it be said, they were ambitious, they were actuated by hatred, they were obstinate; but let Cneius Pompey, and the many others who are now no more, be free from the imputation of guilt, of madness, of parricide. When did any man, Cæsar, hear this charge come out of your mouth? or what else was the intent of your arms, but to guard yourself from ignominy? what else did that invincible army of yours do, but defend its own rights, and your dignity? What! when you was desirous there should be peace, was it that you might accommodate matters with wicked or with virtuous citizens? For my own part, Cæsar, the favours I have received at your hands would not appear so considerable to me, if I thought you had pardoned me as you would a villain: for how could you have deserved so well of the public, if you had suffered so many villains to retain their dignity? At first, Cæsar, you thought it only a secession, not a war: no hostile rancour, but a civil dissension

between two parties, who both wished well to their country, though, from different passions and views, they were seduced into measures inconsistent with its welfare. The leaders were almost equal in dignity, though those who followed them were perhaps not so:* the cause was then doubtful, because there was something to be approved of on both sides; but now we must certainly reckon that the best to which even the gods have lent their aid. And after such proofs of your clemency, where is the man but must approve of a victory by which none fell but such as were in arms?

But, omitting the common cause, let us proceed to that we have in hand. Which, then, Tubero, do you think was easiest, for Ligarius to leave Africa, or for you not to go thither? Could we help it, you will say, when the senate decreed it? If you ask my opinion, "by no means;" but the same senate had ordered Ligarius thither, and he obeyed at a time when there was a necessity of obeying the senate—you at a time when any person might have disobeyed, if he pleased. Do I then blame you? Not in the least. Your birth, name, family, and education would not permit you to act otherwise; but I cannot allow that you should condemn in others what you glory in yourselves. Tubero's commission was allotted him by decree of the senate, when he himself was not present, nay, when he was confined by sickness: he had resolved to excuse himself. These things I became acquainted with by means of the connexions I have with L. Tubero. We were educated at home together, served abroad together, were afterward allied by marriage; and, in a word, have been intimate all our lives. What united us very closely, too, was our having always pursued

* Cicero here gives the preference, in point of dignity, to the Pompeian party; and indeed with justice: for almost all the chief magistrates and senators of Rome were on Pompey's side, whereas scarce a single person of consular dignity was on that of Cæsar.

the same studies. To my knowledge, then, Tubero wanted to stay at home; but matters were so carried on by certain persons—so often did they oppose the sacred name of the public to his resolutions, that though he thought otherwise, he was not able to support the very weight of words. He yielded to, or rather obeyed, the authority of a very great man—went along with those who were engaged in the same cause—proceeded slowly in his journey, and accordingly came into Africa, when it was already taken possession of. Hence proceeds the charge, or rather resentment, against Ligarius: for if it is a crime to have been inclined to prevent you, it is no less criminal in you to have been desirous of seizing Africa, the strength of all our provinces, and a country destined to make war on this city, than for any other to have been desirous of being master of it; and yet this other was not Quintus Ligarius. Varus said that he was in possession of the government: the fasces he certainly had; but however that be, what can this complaint of yours, Tubero, avail? We were not admitted into the province. What if you had? would you have delivered it up to Cæsar, or have held it against him?

Observe what freedom, Cæsar, or rather what presumption, your goodness inspires us with. If Tubero should reply that his father would have delivered up to you the province of Africa, whither the senate and his own fortune had sent him, I shall not scruple, even before you, whose interest it was that he should do this, to condemn his conduct in the severest terms; for though such a proceeding might have been acceptable to you, yet you could not have approved of it. But I pass by all this, not so much lest I should offend your unequalled patience, as lest Tubero should seem to have attempted what he never thought of. You came then into Africa, that province which of all others was most

exasperated at Cæsar's success; in which there was a very powerful prince, an enemy to his cause—the people disaffected, and strong and mighty alliances formed: I ask, what you intended to have done?—though I have no doubt of what you would have done, when I saw what you afterward did. You were prevented from setting your foot in that province, and prevented, as you allege, by the greatest injustice. How did you bear with this? to whom did you make your complaints for the injuries you received? why to the very man whose authority you acknowledged, and whose party you joined in the war? But if you had come on Cæsar's account to this province, to him certainly you would have gone when debarred it; but you went to Pompey. With what face then can you complain to Cæsar, when you accuse the man by whom you complain that you was prevented from making war against Cæsar? And this, indeed, though false, I will give you leave to boast of, if you please, that you intended to have delivered up the province to Cæsar, but were prevented by Varus and some others. Yet I will confess that the whole blame is to be laid on Ligarius, who deprived you of an opportunity of so much glory.

But observe, Cæsar, I beseech you, the constancy of the most accomplished L. Tubero; a virtue which, though I approved of, as I really do, yet I should not have mentioned, were it not that I know you used to extol it above all other virtues. Was ever then such great constancy known in any man? Constancy, do I say? I know not whether I ought not rather to call it perseverance; for in a civil dissension, would any man who is not only not admitted into a party, but even rejected with cruelty, apply again to the same party? This shows a certain greatness of soul, and is worthy of that man whom no indignities, no power, no danger can drive from the cause he engages in, and the principles he embraces. Sup-

posing, what was far from being the case, that Tubero was but on an equal footing with Varus, as to dignity, quality, figure, and genius; in this, certainly, Tubero had the advantage, that he came into his own province invested with a legal command from the senate. When he was driven thence, he did not betake himself to Cæsar, lest he should seem to be actuated by resentment; not home, lest he should seem inactive; not to a foreign country, lest he should seem to condemn that cause which he had espoused; but to Pompey's camp in Macedonia, and to that party by which he had been injuriously rejected. But now, when this made no impression on Pompey's mind, you were much less zealous in the cause. You were only employed in the garrisons, but had an utter aversion to the party. Or, as is generally the case in civil wars, nor more with you than others, were we not all possessed with a desire of conquering? I indeed was always a promoter of peace, but it was then too late; for it must have been madness to entertain thoughts of peace when the battle was already set in array. We were all, I say, desirous of conquering; you especially, who came to that camp, where you must either die or conquer; though, as the case now stands, I doubt not but you prefer being safe here, to being victorious there.

These things I should not have mentioned, Tubero, if either you repented of your constancy, or Cæsar of his goodness. I now ask, whether you carry on this prosecution for your own or your country's wrongs? If your country's, how can you account for your steady adherence to that party? If your own, take care that you do not mistake in thinking that Cæsar will retain a resentment against your enemies after he has pardoned his own. Do you think, then, Cæsar, that I mean here to plead the cause of Ligarius only, and to speak of his conduct? Whatever I have said I desire may be

understood as relating to the single point, either of your humanity, your clemency, or your compassion. I have pleaded many causes, Cæsar, even with you,* while your progress in honours led you to the forum, but never surely in this manner: "Pardon him, my lords, he has fallen into an error; he has made a slip; he did not think: if he ever offends any more." Thus indeed we are wont to plead before a father; but before the judges, "He did not do it; he had no such intention: the evidence is false; the charge is groundless." Pronounce yourself the judge, Cæsar, of what is charged on Ligarius; inquire in what garrisons he was. I say nothing; nor shall I urge what might perhaps amount to a full proof before a judge: he went abroad as a lieutenant before the war; he was left in the province in a time of peace; he was overpowered in time of war, but proved no violent enemy; for his heart was wholly yours. This is the manner of pleading before a judge; but I am now speaking before a father: I have done amiss; I have acted rashly; I am sorry for it; I fly to your clemency; I beg pardon for my offence; I beseech you to forgive me. If no one has ever obtained forgiveness at your hands, then am I guilty of arrogance; but if many have, do you, who have inspired us with hope, likewise grant us relief. Shall Ligarius have no room for hope, while even I am permitted to intercede for another? Though my hopes of succeeding in this cause are neither placed in this speech, nor in the solicitations of your friends in favour of Ligarius.

For I have seen and know what you chiefly regard, when many solicit warmly in favour of one, that the

* Cæsar is ranked by Cicero among the greatest orators that Rome ever bred. He is said to have published several orations which were greatly admired for two qualities seldom found together, strength and elegance. Quintilian says of him, that he spoke with the same force with which he fought; and that if he had devoted himself to the bar, he would have been the only man capable of rivalling Cicero.

cause of your suppliants has more weight with you than their entreaties; and that you do not consider how much the person who applies is your friend, but how much he is the friend of him for whom he applies. Though such is your liberality to your friends, that those who share it seem sometimes more happy to me than you who dispense it. But yet, I perceive, as I said before, that the cause of your suppliants has more weight with you than their entreaties; and that you are influenced most by those whose grief you observe to be best grounded. In preserving Q. Ligarius, you will indeed do an agreeable thing to many of your friends; but attend, I beseech you, as you usually do, to one thing. I can produce to your view the Sabines, men of the greatest bravery, approved by you, together with the whole country, the flower of Italy, and bulwark of the state. You know the men well; observe their grief and sorrow. Your opinion of T. Brocchus here I am no stranger to; observe his tears and concern; observe the tears of his son. What shall I say of his brothers? Do not imagine, Cæsar, that we are now interceding for one man's life; three Ligarius's are to be fixed by you in Rome, or rooted out of it for ever. Any exile is more eligible to them than their country, than their home, than their household gods, while this one brother is in banishment. If their behaviour is brotherly, if it is pious, if it is affectionate, let their tears, let their piety, let their fraternal regards move you. Let your word prevail, as it has hitherto done; for we heard you say that we looked on all as enemies that were not with us; but that you looked on all as friends that were not against you. Must you not acknowledge, then, that all this splendid appearance, all this family of the Brocchi, L. Marcius here, C. Cæsetius, all these Roman knights, who are present in mourning apparel, whom you not only know, but know to be worthy

men, were all of your party?* These are the men we were most offended at: we demanded them, nay, some of us even threatened them. Preserve their friends, therefore, that your veracity may appear in this as in every thing else you have said.

But if you could thoroughly perceive the harmony there is among the Ligarii, you would be of opinion they were all of your side. If Q. Ligarius could have been in Italy, can there be any doubt whether he would have been in the same way of thinking with his brothers? Who does not know the harmony, and almost sameness, of sentiment of this brotherhood? who is not sensible that any thing may sooner happen than that these brothers should be divided in their sentiments or fortunes? all, then, were with you in inclination: one was borne away by a tempest; and though he had been separated from you by design, he would still be on the same footing with those whom yet you have thought proper to spare. But allowing that he took up arms, that he separated himself not only from you, but likewise from his brethren, yet these who intercede for him are your friends. Indeed, as I have taken a concern in all your affairs, I well remember how much T. Ligarius, when city questor, was devoted to you and your dignity. But it is to little purpose for me to call this to mind; I hope that you, whose nature and disposition it is to forget nothing but injuries, will, on recollection, remember somewhat of his conduct as a questor, especially when you call to mind that of some other questors. The same T. Ligarius, then, who at that time meant nothing else than to make you believe he was devoted to your service, and a worthy man (for this he could

* From what goes before, and from what follows, it appears very evident that Cicero does not speak here of those who followed Cæsar to the war, but of those who chose to stay at home, and not to join either party; for Cæsar reckoned the latter his friends as well as the former, as we are told in the preceding sentence.

not foresee), now begs his brother's life at your hands. When you grant this, as a reward of his services, to both the suppliants you will then restore three brethren of distinguished worth and probity, not only to one another, nor to that numerous and honourable body, nor to us his friends, but to the service of the state. What you lately did then in the senate by the illustrious M. Marcellus, that do now in the forum, by the best of brothers, men highly approved of by this numerous assembly. As you granted Marcellus to the senate, give Ligarius* to the people, whose affections you have ever held so dear! and if that day was glorious to yourself and delightful to the Roman people, do not hesitate, I beseech you, Cæsar, to acquire the like glory as often as possible; for there is nothing so popular as goodness: not one of your numerous virtues is either more amiable, or more worthy of admiration, than your clemency. In nothing do men approach nearer to the gods than by preserving their fellow-creatures. Your fortune has not any thing more exalted than that you have the power, or your nature any thing more amiable than that you have the inclination, to save numbers. This cause, perhaps, requires a longer speech—your disposition, certainly, a shorter one. Wherefore, as I am persuaded that the language of your own heart will have more efficacy than any thing that I, or any other person, can say, I shall here conclude, after putting you in mind that by preserving the man who is absent you preserve all who are present.

* It may not be improper to acquaint the reader that Ligarius was a man of distinguished zeal for the liberty of his country, and that after his return he lived in great confidence with Brutus, who found him a fit person to bear a part in the conspiracy against Cæsar. Near the time of its execution, however, he happened to be taken ill; and when Brutus, in a visit to him, began to lament that he had fallen sick in a very unlucky hour—Ligarius, Plutarch tells us, raising himself presently on his elbow, and taking Brutus by the hand, replied, "Yet still, Brutus, if you mean to do any thing worthy of yourself, I am well." Nor did he disappoint Brutus's opinion of him, for we find him afterward in the list of the conspirators.

ORATION XV.—FIRST AGAINST ANTONY.

ARGUMENT.

When Cæsar was put to death in the senate, Mark Antony, who was his colleague in the consulship, apprehending some danger to his own life, stripped himself of his consular robes, fled home in disguise, began to fortify his house, and kept himself close all that day; till, perceiving the pacific conduct of the conspirators, he recovered his spirits, and appeared again the next morning in public—His sole view was to seize the government to himself the moment he should be in a condition to do it; and then, on pretence of avenging Cæsar's death, to destroy all those who were likely to oppose him—Such were his designs, which he pushed on with great vigour and address: he made it his business to gain time by dissembling and deceiving the republican party into a good opinion of him; professed a sincere inclination to peace, and no other desire than to see the republic settled again on its old basis—He seemed indeed to be all goodness and moderation, talked of nothing but healing measures; and, for a proof of his sincerity, moved that the conspirators should be invited to take part in the public deliberations, and sent his son as a hostage for their safety; on which they all came down from the capitol, where they had taken refuge; Brutus supped with Lepidus, Cassius with Antony; and the day ended to the universal joy of the city, who imagined that their liberty was now crowned with certain peace. On the pretence of public concord, however, there were several things artfully proposed and carried, of which he afterward made a most pernicious use; particularly a decree for the confirmation of all Cæsar's acts—He soon let all people see for what end he had provided this decree, to which the senate consented for the sake of peace; for, being master both of Cæsar's papers and of his secretary Faberius, by whose hand they were written, he had an opportunity of forging and inserting at pleasure whatever he found of use to him; which he practised without any reserve or management, selling publicly for money whatever immunities were desired, by countries, cities, princes, or private men, on pretence that they had been granted by Cæsar, and entered into his books—He gave several other instances of his violence, which opened the eyes of the conspirators, and convinced them that there was no good to be expected from him, nor from the senate itself, which was under his influence—This turn of affairs made Cicero resolve to prosecute what he had long been projecting, his voyage to Greece, to spend a few months with his son

at Athens—He despaired of any good from the consulship of Antony and Dolabella, and intended to see Rome no more till their successors Pansa and Hirtius entered into office, in whose administration he began to place all his hopes—Having prepared every thing necessary for his voyage, he set sail for Greece, but was driven back by contrary winds to Leucopetra, a promontory nigh Rhegium, and forced to repose himself in the villa of his friend Valerius, and wait for the opportunity of a fair wind—During his stay there, the principal inhabitants of the country came to pay him their compliments, and brought him news of an unexpected turn of affairs at Rome towards a general pacification—This made him presently drop all thoughts of pursuing his voyage, and determine to return to Rome, where he arrived on the last of August—The senate met the next morning, to which he was particularly summoned by Antony; but excused himself by a civil message, as being too much indisposed by the fatigue of his journey—Antony took this as an affront, and in great rage threatened openly in the senate to order his house to be pulled down, if he did not come immediately; till by the interposition of the assembly he was dissuaded from using any violence—The business of the day was to decree some extraordinary honours to the memory of Cæsar, with a religious supplication to him, as to a divinity—Cicero was determined not to concur in it, yet knew that an opposition would not only be fruitless, but dangerous; and for that reason staid away—Antony, on the other hand, was desirous to have him there, fancying that he would either be frightened into a compliance, which would lessen him with his own party, or, by opposing what was intended, make him odious to the soldiery; but as he was absent, the decree passed without any contradiction—The senate met again the next day, when Antony thought fit to absent himself, and leave the stage clear to Cicero; who accordingly appeared, and delivered this speech, being the first of those which, in imitation of Demosthenes, were called afterward his Philippics—It was pronounced in the sixty-third year of his age, and A. U. C. 709.

Before I treat, conscript fathers, of those things relating to the public which I think necessary to be mentioned on this occasion, I shall explain to you, in a few words, the reason both of my departure and return. When I flattered myself that the government was at length brought again under your direction and authority,* I determined with myself to continue here on a kind of a consular and senatorian watch; nor did I once desert my post, or call off my eyes from the concerns of my country, from

* Cæsar's death seemed the most likely means of restoring that authority to the senate which his ambition, while alive, had deprived them of; but by the artifice of Antony, and the superior good fortune of Octavius, this great end was defeated, to which perhaps the inactivity of the conspirators, at their first setting out, did not a little contribute.

the day on which we met in the temple of Tellus,* where, as far as was in my power, I laid the foundations of peace, and revived an ancient usage of the Athenians.† I likewise borrowed a Greek expression,‡ which that state formerly made use of, in quieting the commotions of their city; and delivered it as my opinion, that all remembrance of civil discord should be buried in eternal oblivion. Admirable on this occasion was the language of Mark Antony; admirable too was his disposition towards the state; in a word, a reconciliation was confirmed by him and his children with the best of our citizens. And to this beginning the rest of his conduct was then agreeable. He summoned the principal persons of the state to assist at the consultations, which he held in his own house, concerning public affairs; laid every matter of importance before this assembly; answered the questions that were put to him with the greatest dignity and firmness; and nothing was then found in Cæsar's register but what everybody knew of. Have any exiles been restored? the answer was, only one. Have any immunities been granted? he answered, none. He even wanted us to agree to what was proposed by the illustrious Ser. Sulpitius, that no bill containing either a decree or a grant of Caius Cæsar should be posted up after the ides of March. I omit many other particulars, and those illustrious ones, and hasten to mention an extraordinary action of Mark Antony's. He utterly

* Two days having been spent after Cæsar's death in mutual assurances of concord and amity, between the conspirators on the one hand, and Antony on the other; on the third the senate was convened by the latter in the temple of Tellus, in order to adjust the conditions of their agreement, and confirm them there by some solemn act. This temple seems to have been particularly chosen for that purpose, on account of its being nigh the capitol, whither Brutus and his party had fled for refuge.

† The Athenians, after the expulsion of the thirty tyrants set over them by the Lacedæmonians, enacted a law containing a general act of oblivion for all that was past.

‡ A Greek word, signifying an amnesty, or act of oblivion.

abolished the dictatorship,* which for some time had assumed regal authority; on which point we did not so much as declare our sentiments. He brought an ordinance of the senate, ready drawn up in the manner in which he wanted it should pass: on hearing it read, we complied with the utmost readiness; and, by another act, returned him thanks in the most honourable terms.

A new light now seemed to break out on us, being delivered, not only from royalty, to which we had actually been subject, but from all apprehensions of its ever being restored; and great was the proof he gave of his being inclined that the state should enjoy its liberty, since he utterly abolished the office of dictator, which had often been legal, on account of the recent memory of its being made perpetual. The senate a few days after seemed to be freed from all apprehensions of bloodshed; the fugitive who pretended to be related to Caius Marius,† was dragged through the streets to execution; and all this was done in common with his colleague. Other things there were, that belonged to Dolabella only; but had Antony been present, I make no doubt but they would have been common to both: for when a boundless contagion had crept into the city, and daily extended its influence wider; and those very men were erecting a monument in the forum who had

* The conspirators, having been obliged to leave Rome on account of the violence of the mob, who were spirited up by the abetters of Cæsar's tyranny, Antony, as a mark of his disposition to peace, and to ingratiate himself with the senate, drew up a decree to abolish for ever the office and name of dictator. The senate passed it, as it were, by acclamation, without putting it even to the vote; and decreed the thanks of the house for it to Antony, who, as Cicero afterward told him, "had fixed an indelible infamy by it on Cæsar, in declaring to the world that for the odium of his government, such a decree was become both necessary and popular."

† This Marius had signalized himself as the chief incendiary at Cæsar's funeral and the susbequent riots; and thus having served Antony's ends in driving Brutus and his party out of the city, was afterward seized and strangled by his order, his carcass dragged by a hook to the Scalæ Gemonianæ, and hurled into the Tiber.

performed those unfinished obsequies;* and a set of desperate villains, in conjunction with slaves of the same dispositions, threatened the temples and buildings of the city every day more and more; such was the vengeance Dolabella took both of the audacious and profligate slaves, and the impious and abandoned citizens;† and such the spirit he showed when he ordered the execrable pillar to be demolished, that to me it is surprising his subsequent conduct should differ so widely from his behaviour on that glorious day: for behold, by the first of June, the day on which he had summoned us to meet, every thing was changed. No one thing was done by the senate, but many, and of great consequence too, by himself; both in the absence and against the inclinations of the people. The consuls-elect declared they durst not venture into the senate; the deliverers of their country, whom yet the consuls themselves extolled in all their assemblies, and in their common conversation, were banished that city, from whose neck they had torn the yoke of slavery. The veterans, as they are called, whom this body had so carefully provided for, were spirited up, not to preserve their present possessions, but to hope for future plunder.‡ As I chose rather to hear of than to see these

* Cicero calls these "unfinished obsequies," because all the funeral rites were not regularly performed.

† The mob, headed by the impostor Marius above mentioned, and artfully spirited up by Antony's agents, idolized the memory of Cæsar. For this purpose they reared a pillar twenty feet high in the forum, and inscribed it "to the father of his country;" they performed sacrifices on it; made vows before it; and decided certain lawsuits by one of the parties swearing by the name of Cæsar. Dolabella, who was then Antony's colleague in the consulate, razed the pillar to the ground; the slaves who had been instruments in rearing and worshipping it he crucified, and the citizens he threw from the Tarpeian rock.

‡ When Antony had put his affairs into the best train that he could, and appointed the first of June for a meeting of the senate, he made a progress through Italy, in order to gather up Cæsar's old soldiers from the several colonies and quarters in which they were settled. By large bribes and larger promises, he attached them to his interests, and drew great bodies of them towards Rome, to be ready for any purpose that his affairs should require.

things, and had obtained the privilege of an honorary embassy,* I departed with a resolution of returning to Rome on the kalends of January, which, in all probability, was to be the first day of the senate's meeting.

Thus, conscript fathers, have I laid before you the reasons of my departure. I shall now briefly acquaint you with the motive of my return, which has in it somewhat more surprising. When I had, not without reason, avoided going to Brundusium,† and left the high road to Greece, I landed at Syracuse about the first of August, because I was told the passage from thence into Greece was the best; and though I have the greatest regard for that city, I could not be prevailed on to stay any longer in it than one night. I was afraid lest so sudden a visit to my friends, if I made any stay with them, should give some handle for suspicion. But when I was driven by contrary winds from Sicily to Leucopetra, a promontory in the territory of Rhegium, I set sail from thence, with a design of passing over. I had not proceeded far, however, when I was driven back by a southerly wind to the same port. As it was late at night, and I had lodged at the house of P. Valerius, my companion and friend, with whom I

* The honorary legation, or embassy, was granted arbitrarily by the senate to any of its members, when they travelled abroad on their private affairs, in order to give them a public character, and a right to be treated as ambassadors or magistrates; which, by the insolence of these great guests, was a grievous burden on all the states and cities through which they passed. Cicero, in his consulship, designed to abolish it; but, being driven from that by one of the tribunes, he was content to restrain the continuance of it, which before was unlimited, to the term of one year. When he had resolved to prosecute his voyage to Greece on the present occasion, he wrote to Dolabella to procure him the grant of an honorary legation; and lest Antony should think himself slighted, he wrote to him too on the same subject. Dolabella immediately named him for one of his lieutenants, which answered his purpose still better; for, without obliging him to any service, or limiting him to any time, it left him at full liberty to go wherever he pleased.

† Antony had some legions at Brundusium, and it is here insinuated that, having heard of his intention to travel into Greece, they had formed a design of waylaying him.

spent the next day too, waiting for a wind, a great many of the corporation of Rhegium, and some of them lately come from Rome, came to see me. These first gave me a copy of Antony's speech, which so delighted me that I began to entertain thoughts of returning. Not long after, the edict of Brutus and Cassius was brought me,* which I thought a very equitable one, perhaps because I love them more on a public than a private account. They told me besides (for it generally happens that those who are desirous of bringing any good news add something of their own to render it more agreeable) that matters would be made up; that there would be a full senate on the first of August; that Antony, having dismissed his wicked counsellors, and given up his claim to the provinces of Gaul, would return to his allegiance to the senate.

So ardent on this was my desire of returning, that neither winds nor oars could satisfy my impatience; not that I thought I could be here in time, but that I might not be later than I wished in congratulating my country. In a short time I reached Velia, where I saw Brutus; with how much concern I shall not say. I thought it a dishonour for me to dare to return to that city which Brutus had been obliged to quit, and to be desirous of remaining in safety in a place where he could not. But he was not affected in the manner that I was; for, supported by the consciousness of so great and glorious a deed, he complained loudly of our misfortunes, but said nothing of his own. From him I first learned what kind of a speech was delivered in the senate, on the first of August, by L. Piso;† who, though he was but poorly seconded by those whose duty it was (for this too I

* This relates to an edict drawn up by Brutus and Cassius, in answer to one published before by Antony, charging them with acting in opposition to the public welfare.

† L. Piso was father-in-law to Cæsar, and had signalized himself by a vigorous speech in the senate, on the first of August, in favour of the public liberty.

heard from Brutus), yet both by the testimony of Brutus (and what can be of greater weight?) and the report of all those I saw afterward, he appeared to me to have acquired great glory. I made haste, therefore, to second him, who was not seconded by those that were present: not that I could be of any service (for that I neither expected, nor was it in my power), but that if I should happen to share in the common lot of humanity (and many things indeed out of the ordinary course of nature and fate seemed to threaten), I might at least bequeath to my country the speech I made on this occasion, as a lasting monument of my affection. As I now flatter myself, conscript fathers, that my conduct in both respects has met with your approbation, before I enter on what concerns the state, I shall beg leave to complain briefly of the injury done me yesterday by M. Antony, whose friend I profess myself to be; and that I ought to be so, on account of some obligations he has laid me under, I have always been ready to acknowledge.

What, then, was the reason why I was pressed yesterday in so harsh a manner to assist in the senate? was I the only person absent? have not you frequently had a thinner house? was the business under consideration of such importance that there was a necessity even of carrying the sick thither? Hannibal, I suppose, was at our gates, or the debate was about a peace with Pyrrhus? on which occasion, we are told, the great Appius was carried to the senate, old and blind as he was. The question was about supplications, in which kind of debates the senators are generally present, not with a view to save their forfeitures, but out of regard to those whose honours are under debate; which is likewise the case when the question is concerning a triumph. So unconcerned on such an occasion are the consuls, that a senator is almost at liberty to be absent. As I was no stranger to this form, fatigued with my

journey, and uneasy in my own thoughts, I sent, as a friend, to acquaint him with it. But he, in your hearing, declared that he would come himself to my house with workmen. Too passionately, indeed, and intemperately spoken; for what crime could deserve such a punishment, as could justify his declaring in this assembly that he would come with the workmen of the public, to pull down a house built by a decree of the senate, at the public charge? who ever laid a senator under such compulsion? or what penalty is there in such a case beyond a forfeit or a fine?* Had he but known what I had to say, he would certainly have remitted somewhat of his severity.

Do you imagine, conscript fathers, that though you were obliged to comply, I would have given my voice for mixing parental obsequies† with public thanksgivings? for introducing inexpiable rites into the state? for decreeing supplications to a dead person, I will not say who? Had it been L. Brutus, who with his own hand delivered Rome from regal tyranny, and, at the distance of almost five hundred years, hath propagated a race virtuous like himself, to do their country the like glorious service, I should never have been prevailed on to blend the honours of the gods with that of a dead man; to consent that he who has nowhere a monument for the parental obsequies should have public supplications paid him. These, conscript fathers, were the sentiments I should have delivered, that I might easily have justified myself to the people of Rome, in case of any

* In the later times of the republic, the usual way of calling the senators was by an edict, appointing the time and place, and published several days before, that the notice might be more public. If any senator refused or neglected to obey the summons, the consul could oblige him to give surety for the payment of a certain fine, if the reasons of his absence should not be allowed.

† The parental obsequies were only feasts held, and sacrifices offered, in memory of the dead. They were called parental, because performed on account of parents and relations.

heavy calamity, through war, through pestilence, or famine; part of which has already fallen on us, and more, I am afraid, threatens us. But I hope the immortal gods will pardon the people of Rome, who do not approve it; and the senate, who decreed it contrary to their inclinations. What! must we not speak of the other grievances of the state? I may, and ever will, assert my dignity, and despise death. Let me but have liberty of coming into this assembly, and I shall never decline the danger of speaking freely. And, O conscript fathers, that I could have been present on the first of August! not that my presence could have been of any service, but that there might not have been, as was then the case, only one consular person who was worthy of that honour, and worthy of the state. This, indeed, is matter of great concern to me, that the men who have enjoyed the highest honours of the state did not second L. Piso, who made so excellent a proposal. Was it for this the people of Rome raised us to consular dignity, that when placed in the highest and most honourable station, we should set at naught the commonwealth? Not a consul expressed, nor even looked assent to what Piso proposed. A curse on this voluntary servitude! it is too much that we are subject to a necessary one. I do not expect that all those who are of consular rank should deliver their sentiments. The case of those whose silence I pardon is different from theirs whose voices I demand. I am indeed sorry to see them suspected by the Roman people, not of fear only, though that would be scandalous, but of being severally wanting to their dignity, for several causes.

In the first place, then, I return my sincerest acknowledgments to L. Piso, who considered not what was in his power, but what was his duty, to do for the state; in the next place, I beg of you, conscript fathers, that though you should not have the courage to support my speech and my authority, you would

at least, as you have hitherto done, give me a favourable hearing. First, then, I give it as my opinion that Cæsar's acts should be confirmed; not that I approve them, for who indeed can? but because I think we ought to pay the greatest regard to peace and tranquillity. I wish Antony were present, but without his council.* He, I presume, has a privilege to be indisposed, though yesterday I could have no such indulgence. He would show me, or rather you, conscript fathers, in what manner he defends Cæsar's acts. Shall the acts of Cæsar, contained in his notes, his minutes, and memorandums, produced by this man only,—nay, not even produced, but said to be extant, remain in force? and shall what he engraved on brass, by which he admitted the commands of the people, and declared their laws perpetual, be of no account? I am indeed of opinion that nothing is so much the act of Cæsar as the laws of Cæsar. If he has made any promises to any one, must those promises remain in force when he himself could not have performed them? as he actually made many promises to several which he never performed; but which are found out in much greater numbers since his death than he ever bestowed bounties in his life. Yet these I am neither for changing nor altering; nay, his noble acts I defend with the greatest zeal. I wish the money were still in the temple of Ops.† It was indeed stained with blood; but since it is not restored to those to whom it belongs, it might be serviceable to us on this occasion. Yet let that too be dissipated, if Cæsar's

* Cicero here means those veteran soldiers whom Antony generally carried with him to the senate-house, in order to intimidate the senators, and awe them into a compliance with his measures.

† Among other instances of Antony's violence, he seized the public treasure, which Cæsar had deposited for the occasions of the government in the temple of Ops, amounting to above five millions and a half of our money. With this he paid off his debts, which, at the time of Cæsar's death, amounted to above three hundred thousand pounds; purchased soldiers; and gained over to his measures his colleague Dolabella, who had long been oppressed with the load of his debts.

acts will have it so. Is there any thing that can with so much propriety be called the act of a man, who in peaceful robes was invested with power and authority in the state, as a law which he passed? Ask for the acts of Gracchus, and the Sempronian laws will be produced; ask for Sylla's, the Cornelian. Besides, in what acts consisted Pompey's third consulate? In his laws, most certainly. Had you asked Cæsar himself what he had done in the city and senate, he would have replied that he had passed many and excellent laws. But, as to his notes, he would either have altered them, or not given them; or if he had given them, he would not have reckoned them among his acts. Yet even these things I give up; some others I connive at; but in the most important points, that is, in his laws, I am of opinion that we ought not to suffer Cæsar's acts to be annulled.

Was ever a law of greater importance and utility, or more frequently demanded in the best times of the state, than that the pretorian provinces should not be held longer than a year, nor the consular longer than two? If this law be abolished, can you imagine that Cæsar's acts remain in force? What! are not all Cæsar's judicial laws rendered void by that which has been promulged in relation to a third decury of judges?* And do you defend Cæsar's acts, who thus abolish his laws? unless whatever he set down by way of memorandum in his pocket-book is to be deemed his act, and how unjust or useless soever, to be defended; while that which is enacted in the fullest assemblies of the people is not to be accounted an act of his. But of whom is this third decury composed? of centurions, says he. How? by the Julian law, and before that, by the

* Cæsar had passed a law confining the judicial power to the senators and knights, and excluding the receivers-general, who before had acted as judges. Antony was now desirous of adding a third order to the two former, to be chosen out of the centurions.

Pompeian and Aurelian, that order was excluded from all judicial authority. "A certain estate," says he, "was prescribed." Yes; and that not only to a centurion, but to a Roman knight. Accordingly, the bravest and worthiest men that are at the head of corps still act, and have long acted, in a judicial capacity. "I mean not these," says he: "but let every man that has headed a corps have a power to judge." But if you were to enact, that whoever had served on horseback, which is the more honourable service, might sit as judge, you would not gain the approbation of a single person: for in a judge both his rank and fortune are to be regarded. "These," says he, "I do not mind; I am even for creating additional judges out of the subalterns of the Gallic legion;* for otherwise our party say they cannot be safe." Reproachful honour to those whom you thus unexpectedly raise to the seat of justice; for this is the title of the law, that those should act as judges in the third decury who are not at liberty to judge freely. Immortal gods! what an error was this in those who contrived that law! for in proportion as each shall appear a contemptible tool, the more solicitous will he be to wipe off his infamy by judging with severity, that he may seem to be worthy of being a member in the honourable, rather than to be thrust deservedly into the disgraceful, decuries.

There is another law promulged, by which those who are convicted of violence and treason may appeal, if they please, to the people. Whether now

* This legion was first raised by Cæsar, and composed of the natives of Gaul, armed and disciplined after the Roman manner, to which he gave the freedom of Rome. He called it by a Gallic name, which signified a kind of lark, or little bird with a tuft or crest rising on its head; in imitation of which, this legion wore a crest of feathers on the helmet; from which origin the word was adopted into the Latin tongue. Antony, out of compliment to these troops, and to assure himself of their fidelity, made a judiciary law, by which he erected a third class of judges, to be drawn from the officers of this legion, and added to the other two of the senators and knights; for which Cicero often reproaches him, as being a most infamous prostitution of the dignity of the republic.

is this a law, or an abrogation of all laws? for what man living is there whose interest it is that this law should pass? no one is prosecuted on these laws, nor any one likely to be; for men surely will never be brought to a trial for what they have done in arms. But the thing is popular. I wish indeed he would suffer something to be popular; for all the citizens of Rome concur now in heart and voice, as to the safety of the state. Whence then arises this eagerness for passing a law which has every thing infamous, and nothing popular? for what can be more scandalous, than that the man who has by force violated the majesty of the people of Rome, and has been lawfully condemned for his offence, should have recourse to that violence of which he had before been legally convicted? But why need I talk more of this law? as if the debate now were, that any one might appeal. The intention and import of the whole is, that no man shall ever be prosecuted on these laws: for where is there either an accuser so frantic to be found as to be willing to expose himself to a mercenary mob, after a criminal is convicted; or a judge who would venture to pass sentence on the party accused, that he himself might be dragged, the next moment, before a parcel of mercenary mechanics? An appeal then is not the thing granted by this law; but two other laws and proceedings highly salutary are reversed: for what else is it but an encouragement to young fellows to become seditious, turbulent, and pernicious citizens? For to what fatal extremities may not the tribunitian power be pushed, if the two laws relating to violence and treason are abolished? What! shall we render Cæsar's laws of none effect, which order, that one convicted of violence or treason should be deprived of the benefit of fire and water? And if such an appeal be allowed, are not Cæsar's acts abolished? Which acts even I, conscript fathers, who never approved of them, have always thought should be

preserved for the sake of peace: so that I not only disapproved of invalidating at present those laws which Cæsar passed in his lifetime, but even those which you have seen exposed and posted up since his death.

By the dead are exiles recalled: by the dead the freedom of Rome is granted, not to private persons only, but even to whole nations and provinces: by the dead numbers of corporations have their taxes remitted. What has been produced then from his house, on a single, but an unquestionable evidence, we defend: and shall we, who confirm Cæsar's acts, think of abolishing those laws which he himself, in our sight, recited, pronounced, enacted; laws which he valued himself on; laws in which he thought the whole system of our government comprehended; laws which affect our provinces and our trials? Yet of those laws which are only proposed we are at least at liberty to complain: as to those which are said to be already passed, we have not even that liberty: for these, without being proposed, were passed before they were drawn up. They ask why either I or any of you, conscript fathers, should be afraid of bad laws, while we have virtuous tribunes of the people? "We have," say they, "those who will interpose; those who by oath are ready to defend the state; therefore we ought to lay aside fear." —"But what intercessions, what rites," says he, "do you tell me of?" Why, those on which the safety of our constitution depends. "These," says he, "I despise, and look on as antiquated and ridiculous." The forum shall be surrounded: all the avenues to it shut up, and armed men placed in several places, as guards. What then? Whatever is thus carried on shall be law, and you shall see it engraved on brass. Supposing the following legal form of words to be inserted, "the consuls* in form re-

* These words appear to have been the preamble to all the bills which *the Roman people* passed.

quire the consent of the people;" for the right of requiring such consent we have received from our ancestors, and the people in form consented. What people? they who are excluded. By what right? is it by that which is totally abolished by force and arms? And this I speak, because it may possibly happen; as it is the part of a friend to mention beforehand what may be avoided: if the things do not happen, then my speech will be confuted. I speak of the laws that are proposed, which it is yet in your power to prevent passing. I point out faults, amend them; I speak of force and arms, remove them.

You must not be angry with me, Dolabella, for speaking in my country's cause; though indeed I do not think you will, for I know your good-nature. They tell me that your colleague in this his good fortune, as he thinks it, though to me, not to make use of a harsher expression, he would appear more fortunate were he to imitate the consulate of his uncle and ancestors:† but they tell me he is angry. I am sensible how undesirable a thing it is that a man should at once be incensed and armed, especially as the sword can now act with impunity. But I will propose what appears to me just and reasonable; and this, I imagine, Antony will not reject. If I reflect on his life or character, let him become my greatest enemy; but if I speak my sentiments freely, in regard to public affairs, as I have always done, I beg, in the first place, that he would not be angry: in the next, if he is, that he would show such resentment as becomes one citizen to another. Let him use arms, if they are necessary for the defence of his person, as he says they are; but let not these arms injure those who speak what they think necessary

† M. Antony, the celebrated orator, was his grandfather, who fell a victim to Marius's cruelty; and the uncle here meant was L. Cæsar, who had been consul with C. Figulus; he was a person of great integrity, and well affected to the state.

for the good of the state. What can be more equitable than this request? But if, as I am informed by some of his acquaintance, every speech that opposes his pleasure, though free from abuse, offends him greatly, we must bear with the humour of a friend. The same persons tell me, however, that the same liberty will not be allowed to me, who am the enemy of Cæsar, that was allowed to Piso, his father-in-law. They likewise admonish me of something, which I shall guard against: nor shall sickness, conscript fathers, be a better excuse for not attending this house than death.

But, by the immortal gods, while I behold you, Dolabella, for whom I have the tenderest regard, I cannot forbear mentioning the errors of you both: for I take you to be men of noble and exalted views, whose aim, as some who are too credulous suspect, is not money, which the great and illustrious always despise, nor a formidable interest, nor power intolerable to Rome; but the love of your fellow-citizens, and glory. Now true glory is the praise attending virtuous actions and eminent services performed for our country, confirmed by the voice of every good man, and by that of the public. I would here, Dolabella, mention the fruits of virtuous actions, did I not know that you have tasted a few of them. Can you recollect that any day of your life has given you greater pleasure than that on which you retired to your own house, after having expiated the forum,* scattered the assembly of the wicked, punished the ringleaders of iniquity, and delivered the city from all apprehensions of flames and slaughter? What rank, what condition, what station did not, with the warmest zeal, applaud and congratulate you? Even I, by whose advice these actions

* This refers to the demolition of the pillar mentioned above, which was matter of so great joy to the city that the whole body of the people attended Dolabella to his house, and in the theatres gave him the usual *testimony* of their thanks, by the loudest acclamations.

were thought to have been performed, received the thanks of the worthy on that occasion, and was complimented on your success. Call to mind, I beseech you, Dolabella, that applause of the theatre, when all men, forgetting what you had done to offend them,* declared that your late services had made them forgive your past conduct. Can you, Dolabella (with deep concern I speak it), can you, I say, patiently relinquish such distinguished honour?†

And do not you, Mark Antony (for I speak to you, though absent), prefer that one day, when the senate met in the temple of Tellus,‡ to all those months, during which some who think very differently from me deem you happy? what a speech you then made about concord! from what apprehensions did you then deliver the veterans, and from what anxiety the city! On that day, laying aside resentment, forgetting the auspices, and acting yourself as augur, you first consented that your colleague should be your colleague.§ Your little son, delivered by your own hands into the capitol, was the pledge of peace. Was there ever a day of greater joy to the senate? of greater joy to the people of Rome? Was there

* In the year of Rome 706 Dolabella had, by the fiction of an adoption into a plebeian family, obtained the tribunate. and raised great tumults and disorders in Rome, by a law which he published to expunge all debts. This was a source of no small affliction to his father-in-law Cicero.

† Dolabella, having been long oppressed with the load of his debts, which he had contracted by a life of pleasure and expense, was drawn entirely from Cicero and the republican party into Antony's measures, by a large sum of money, and the promise of a share in the plunder of the empire. He left Rome before the expiration of his consulship to take possession of Syria, which had been allotted to him by Antony's management; and, on the news of his putting Trebonius to death, was declared a public enemy, and his estate confiscated. He killed himself at last at Laodicea, to prevent his falling alive into the hands of Cassius, and suffering the same treatment which he had shown to Trebonius.

‡ The third, to wit, after Cæsar's death, when Antony summoned the senate to adjust the conditions of peace, and confirm them by some solemn act.

§ Antony had been jealous of Dolabella, as a rival in Cæsar's favour; and when Cæsar promised to resign the consulship to Dolabella, before he went to the Parthian war, Antony protested that, by his authority as augur, he would disturb that election, whenever it should be summoned.

ever a fuller assembly than that? It was then we seemed delivered by the bravest of men, because, as they intended, peace followed our deliverance. The next, the following, the third, and some subsequent days, you never failed to make some present, as it were, to your country: but the greatest of all was your abolishing the dictatorship. This was an indelible infamy fixed by you,—by you, I say, on the memory of Cæsar: for, as on account of the treason of one person, named Marcus Manlius,* by a decree of the Manlian family no patrician can bear that name; so you, on account of your detestation of one dictator, have utterly abolished the name. When you had done such great things for your country, were you dissatisfied with the fortune, the dignity, the renown, the glory you had acquired? Whence then this great and sudden change? I can never suspect that you are influenced by money. Let every man speak as he pleases; there is no necessity to believe him: but I never knew you guilty of any thing that was mean or dirty. Domestics, indeed, are wont sometimes to corrupt their masters: but I know your firmness; and I wish you would be as free from suspicion as you are from guilt.

I am more afraid of this, lest, mistaking the true path to glory, you should think it glorious to be more powerful yourself than all men besides, and choose rather to be feared than loved by your fellow-citizens: but if these are your sentiments, you wholly mistake the road to glory. To be dear to our countrymen, to deserve well of the state, to be praised, respected, and beloved, is truly glorious: but to be dreaded and held in abhorrence is odious, detestable, weak, and transient. We find even in the play, that to the man who said, "Let them hate while they

* This was the Manlius who had so bravely defended the capitol, when besieged by the Gauls; but being suspected of affecting regal authority, was afterward thrown off the Tarpeian rock into the Tiber.

fear,"* the maxim proved fatal. I wish, Antony, you would call to mind your grandfather, of whom you have heard me make such frequent mention. Do you think that he would have been desirous of purchasing immortality at the expense of being the dreaded master of lawless arms? This was his life, his prosperity this, in liberty to be equal, in dignity superior to others. To omit, therefore, the prosperous circumstances of your grandfather's life, I would choose his latter end, violent as it was, rather than Cinna's lawless power, by whom he was most inhumanly murdered. But why do I endeavour to move you by words? If Cæsar's fate is not a warning to you, how much better it is to be loved than feared, no man's speeches will avail any thing. As for those who imagine that Cæsar was happy, they are themselves most miserable. No man can be happy who holds life on such terms that it may be taken from him, not only with impunity, but with praise. Relent, therefore, I beseech you; look back on your ancestors; and so govern the state that your fellow-citizens may bless the day that gave you birth; without which no man can be happy or glorious.

Both of you have had many proofs of the sentiments of the people of Rome,† which I am sorry to see you not sufficiently affected with: for what else were the shouts of innumerable citizens at the shows of gladiators? what the concourse of the people? what the incessant applauses poured out on Pompey's statue, and on the two tribunes who

* A saying frequently made use of by Accius the poet, in his tragedy of Atreus.

† The violences committed at Rome after Cæsar's death were not owing to the general indignation of the citizens against the murderers of Cæsar: no, the memory of the tyrant was odious, and Brutus and Cassius the real favourites of the city, as appeared on all occasions wherever their free and genuine sense could be declared: particularly from their acclamations at the shows of gladiators exhibited by Brutus, and the repairing of Pompey's statue, which had been thrown down in the civil wars.

oppose you?* Do not these things sufficiently declare the incredible unanimity of the whole Roman people? What! did the shouts, or rather the testimony and judgment of the Romans, at the games of Apollo,† seem little in your eyes? Happy those who, when they could not be present in person, on account of an armed force, were nevertheless present, and clung to the very marrow and bowels of the Roman people! unless, perhaps, you think that the applause and the palm was conferred on Accius, sixty years after his death, and not on Brutus; who, though not personally present at his own shows, yet in that most magnificent entertainment received the most affectionate wishes of the Roman people, who mitigated their sorrow for the absence of their deliverer by uninterrupted applauses and acclamations. I indeed am one of those who have ever despised these acclamations, when bestowed by the populace, but when they are bestowed by the highest, the middlemost, and the lowest ranks; in short, by the whole collective body; especially when those who were wont to court the applause of the people are forced to hide their heads; this I term, not applause, but approbation. But if these things seem trivial to you, which are, in fact, of the highest importance, will you likewise despise the proof you had, how dear the life of A. Hirtius was to the people of Rome?‡ It was sufficient to him that he was approved by the Roman people, as he still is agreeable

* These two tribunes were Tiberius Canutius and Nonius Aspernas: the latter of whom opposed Dolabella in his suit for the province of Syria, and the former set up Octavius in opposition to Antony.

† Brutus and Cassius were obliged as pretors to exhibit certain games in honour of Apollo, with which the public were annually entertained on the third of July: but, as they had withdrawn themselves from Rome, these games were conducted by the brother of Cassius.

‡ Hirtius was then consul-elect, and happening to fall sick, the Roman people put up vows for his recovery, as for a person on whom depended the safety of the state. This was the Hirtius who was afterward slain at Modena; and whose death, joined with that of his colleague, is thought *to have been of* such fatal consequence to Rome.

to his friends, in which respect he exceeds all men; dear to his own family, to whom he is so in the highest degree: but when have we known the anxiety of good men, and the concern of all, so great as they have been for him? never, surely. How then, immortal gods, are you at a loss what construction to put on this? What do you imagine they think of your lives, to whom the lives of those are so dear, who, they flatter themselves, will consult the interests of their country? I have now, conscript fathers, reaped the full fruit of my return; as I have now said what must in all events be a proof of my constancy, and have been favourably and attentively heard by you; an indulgence which I shall often use, if I can do it with safety to myself and you; if not, I shall reserve myself as well as I can, not so much for my own sake, as for that of the republic. I have lived almost enough, either for nature or for glory; if any addition is made to either, the advantage shall not be so much mine, as yours and my country's.

ORATION XVI.—SECOND AGAINST ANTONY.

ARGUMENT.

ANTONY, being highly exasperated at the preceding speech, summoned another meeting of the senate, where he again required Cicero's attendance, being resolved to answer him in person, and justify his own conduct—The senate met on the appointed day, in the temple of Concord, whither Antony came with a strong guard, and in great expectation of meeting Cicero, whom he had endeavoured by artifice to draw thither; but though Cicero himself was ready, and desirous to go, yet his friends overruled and kept him at home, being apprehensive of some design intended against his life—Antony's speech confirmed their apprehensions, in which he poured out the overflowings of his spleen with such fury against him, that Cicero, alluding to what he had done a little before in public, says that he seemed once more rather to vomit than to speak—As a breach with Antony was now inevitable, Cicero thought it necessary for his security to remove to some of his villas near Naples, where he composed this oration, by way of reply to Antony; not delivered in the senate, as the tenor of it seems to imply, but finished in the country; nor intended to be published till things were actually come to an extremity, and the occasions of the republic made it necessary to render Antony's character and designs as odious as possible to the people—It is a most bitter invective on his whole life, describing it as a perpetual scene of lewdness, faction, violence, and rapine, heightened with all the colours of wit and eloquence; and shows that in the decline of life Cicero had lost no share of that fire and spirit with which his earlier productions are animated.

BY what singular fate of mine, conscript fathers, shall I say it comes to pass, that for these twenty years* there has not been an enemy to the public who has not, at the same time, declared war also against me? It is unnecessary for me to mention

* *Ever since* his consulship, during all which time he had been *continually harassed* with the Clodian and Catilinarian factions.

their names, since you yourselves can so easily recollect them. Their punishment has been more grievous than I could have wished. I am surprised, Antony, that you do not dread their fate, as you imitate their conduct. This, in others, however, I less wondered at; for not one of them chose to be my enemy; all of them were attacked by me for the sake of the state. But you, without even the provocation of words, that you may appear more audacious than Catiline, and more furious than Clodius, have, of your own accord, fallen on me with your calumnies, and thought a breaking with me would be a recommendation to profligate citizens. What am I to think of this? that I am despised? I see nothing in my life, nor in my reputation, nor in my actions, nor in my capacity, small as it is, that Antony can despise. Did he imagine the senate was the properest place for making a successful attack on my character? an assembly which has conferred on many illustrious citizens the praise of having done great things for the state, but on me alone that of having saved it. Had he a mind to contend with me in eloquence? this is, indeed, doing me a kindness: for what more copious, what more fertile subject can I have, than that of speaking for myself, and against Antony? This is certainly his design: he thought, that to men of his own stamp he could not approve himself a foe to his country unless he became my enemy. Before I reply to other matters, I shall touch briefly on our friendship, which he charges me with violating; an accusation, in my opinion, of the blackest nature.

He complains that I appeared, I know not when, against his interest. Ought I not to have appeared against a stranger, in favour of my friend and kinsman?* ought I not to have appeared against a power,

* Who this friend was does not appear: but the stranger hinted at was Q. Fadius Bombalio, the freedman, whose daughter Antony had married.

acquired, not by any hopes of virtue, but at the expense of youthful bloom? ought I not to have appeared against an injury committed through the partiality of an infamous tribune, and not the decision of the pretor? But this, I fancy, you mentioned, in order to recommend yourself to the lowest rank of the people; it being well known to all that you yourself are son-in-law to a man who had been a slave, and that your children are the grandchildren of Q. Fadius, who had been a slave. But you had put yourself under my direction (for that was your expression), you frequented my house. Had you done that, indeed, your reputation and your morals had been more free from blemish. But you neither did it, nor, had you been inclined, would Curio* have permitted you. You alleged that you quitted your pretensions to the augurship in my favour. Incredible assurance! astonishing impudence! at the time when Cn. Pompey and Q. Hortensius nominated me augur† (for two only could do it), at the

* Curio was a young nobleman of shining parts; admirably formed by nature to adorn that character, in which his father and grandfather had flourished before him, of one of the principal orators of Rome; but a natural propensity to pleasure, stimulated by the example and counsels of his perpetual companion Antony, hurried him into all the extravagance of expense and debauchery. When his father, by Cicero's advice, obliged him to quit the familiarity of Antony, he reformed his conduct, and adhering to the instructions and maxims of Cicero, became the favourite of the city, the leader of the young nobility, and a warm assertor of the authority of the senate against the power of the triumvirate. After his father's death, on his first taste of public honours, and admission into the senate, his ambition and thirst of popularity engaged him in so immense a prodigality, that, to supply the magnificence of his shows and plays, with which he entertained the city, he was soon driven to the necessity of selling himself to Cæsar, and fell the first victim in the civil war.

† The priests of all kinds were originally chosen at Rome by their colleges, till Domitius, a tribune, transferred the choice of them to the people, whose authority was held to be supreme in sacred as well as civil affairs. This act was reversed by Sylla, and the ancient right restored to the colleges; but Labienus, when tribune, in Cicero's consulship, recalled the law of Domitius, to facilitate Cæsar's advancement to the high-priesthood; it was necessary however that every candidate should be nominated to the people by two augurs, who gave a solemn testimony on oath of his dignity and fitness for the office; this was done in Cicero's

request of the whole college, you were not able to pay your debts, nor had you any hopes of safety but in the subversion of the commonwealth. But could you stand for the augurship when Curio was not in Italy? or, when created augur, could you have carried a single tribe, had it not been for Curio? and even his friends were convicted of violence because they were too zealous in your cause.

But I have been obliged to you: how obliged to you? Though I have been always ready to acknowledge that very circumstance which you mention as an obligation, choosing rather to confess myself obliged to you than to appear ungrateful to any unthinking person: but what was this obligation? that you did not murder me at Brundusium? What! would you have murdered a man, preserved and restored to Italy by order of that very conqueror who, as you yourself were wont to boast, had created you chief of his banditti?* Admitting you could have done this, what else is it, conscript fathers, but the favour of robbers, whose language it is that they save the lives of those they do not murder? If there were really any merit in this, those whom you used to call the most illustrious of mankind, and who killed their preserver, never could have acquired so great glory. But what is the merit of abstaining from the commission of a most atrocious crime? in which case it ought not to have been so agreeable to me, that I was spared by you, as grievous that you had it in your power to have murdered me with impunity. But allowing it to be a favour, since no greater can be received at the hands of a robber, in what respect can you call me ungrateful? ought I

case by Pompey and Hortensius, the two most eminent members of the college; and, after the election, he was installed with all the usual formalities by Hortensius

* What Cicero here says is equally severe both on Cæsar and Antony; for he insinuates that that war was more properly a robbery than a lawful war.

not to lament my country's ruin, lest I should appear ungrateful to you? yet, in the complaint I then made, mournful and wretched as it was, though unavoidable by me in that station, to which I had been raised by the senate and people of Rome, what was there in the least abusive? did I not speak with moderation? did I not speak with friendship? yet how great must be his temper who, complaining of Antony, could abstain from abuse? especially when you had dissipated the remains of the state?* when within your house every thing was subject to the most infamous venality? when you confessed that laws, relating to yourself, which had never been proposed, were passed by your means? when, as augur, you had abolished the auspices; and, as consul, the intercession of the tribunes? when you had been shamefully attended by armed men? when, worn out with wine and debauchery, you committed all manner of wickedness in a house remarkable for its purity? But I, as if I had been contending with M. Crassus, with whom I have had many and sharp contests, and not with a most infamous gladiator, while I grievously lamented my country's ruin, omitted all personal reflections. To-day, therefore, I shall take care to make him sensible how great a favour I then conferred on him.

This wretch, void of all politeness, and ignorant even of common decency, publicly read the letters which he says I wrote to him. For who, that knows ever so little of what passes among men of honour, on occasion of a slight quarrel, ever exposed and publicly read the letters that were sent him by his friend? to destroy the intercourse of absent friends, what is it but to strip life of all its social joys? How many jokes are there generally in letters,

* Probably the public money laid up in the temple of Ops, which Antony claimed to himself, and made subservient to the purposes of his ambition; or the four thousand talents may be referred to which Antony got from Calphurnia, Cæsar's wife.

which, if exposed, would appear very trifling? how many serious things, yet by no means to be divulged? let this suffice for his want of politeness: observe now his incredible stupidity. What have you to object to me, my man of eloquence? for such you seem to Mustella Tamisius, and Tiro Numisius;* who, as they are standing this very moment in the sight of the senate with drawn swords in their hands, if you can show why they are not to be ranked among assassins, I too shall think you eloquent. But what can you object, if I should deny that I ever sent you such letters? by what evidence can you convict me? by my handwriting? in this you have a profitable dexterity; but how can you do it? for they were written by my secretary. Now do I hate that tutor of yours, who, though he received such great wages, as I shall presently make appear, did not teach you the least wisdom. For what shows less, I will not say of an orator, but of a reasonable being, than to object that to an adversary which, if he should deny but on his bare word, the objector could proceed no further? But I do not deny it; and by that very fact I convict you, not only of being void of politeness, but of common understanding. For is there a word in these letters that is not full of politeness, good manners, and benevolence? But all your pique is, that in these letters I did not show how bad an opinion I had of you, that I wrote to you as a fellow-citizen, and a worthy man, and not as a villain and a robber. Yet I, though the provocation I have received from you might justify my doing it, will never expose your letters; in which you beg that I would give you leave to recall a certain person from banishment, and swear that you will never do it without my consent. You obtained your request; for why should I oppose thy audacious insolence, which

* All that we know of these men is, that they were ruffians employed by Antony; illiterate fellows, qualified only to execute his brutal purposes.

neither the authority of this assembly, nor the majesty of the Roman people, nor any laws can restrain? But, after all, why did you beg this of me, if the person for whom you interceded was recalled by Cæsar's law? but he had a mind, forsooth, to compliment me; though, as the law was passed, no thanks were even due to himself.

But as I have a great deal to say, conscript fathers, both for myself and against Antony, I must beg of you, that while I am speaking for myself, you would hear me with indulgence; and when I speak against him, I shall take care that you hear me with attention. I must further beg of you, that as you have known my moderation and decency, both in the whole tenor of my life, and the course of my pleadings, you would not think I forget myself if I answer him to-day according to the provocation he has given me. I will not treat him as consul; for he has not treated me as consular: though he is in no respect consul, either as to his life, his administration, or the manner in which he was created; but I, beyond all dispute, consular. That you may understand, then, what sort of a consul he professes himself, he objects to me my consulate; a consulate, conscript fathers, which was nominally mine, but in fact yours: for what did I ordain, what did I undertake, or what execute, but by the advice, authority, and decision of this assembly? And hast thou the assurance, wise and eloquent as thou art, to reproach me with my conduct in the presence of those very persons by whose counsels and wisdom it was regulated? Who ever blamed my consulate, except P. Clodius? whose fate, as it has overtaken C. Curio,* now awaits thee; since thou hast that in thy house

* Curio, having driven Cato out of Sicily, marched with the best part of four legions into Africa against Varus, who, strengthened by the conjunction of Juba, had reduced the whole province to his obedience. On his landing he met with some success; but was afterward entirely defeated and slain near the river Bagrada, by Sabura, Juba's general.

which proved fatal to both.* My consulate does not please Mark Antony; yet it pleased P. Servilius to name him first, who is last deceased, of the men of consular dignity at that time. It pleased Q. Lutatius Catulus, whose authority in this state will never die; it pleased the two Luculli, M. Crassus, Q. Hortensius, C. Curio, M. Lepidus, C. Piso, M. Glabrio, L. Volcatius, C. Figulus, with D. Silanus and L. Muræna, who were then consuls-elect. The same thing that pleased these consular men pleased also Marcus Cato,† who, as he left the world to avoid many things he foresaw, never saw thee consul. But above all did my consulate please Cn. Pompey, who, when he first saw me, on his return from Syria, embracing and complimenting me, owned that he was indebted to my conduct for beholding his country again. But why do I descend to particulars? so much did it please a full senate, that there was not a man who did not return thanks to me as to a father, who did not acknowledge that he owed his life, his children, his fortune, and the safety of the state to me.

But as the public is now bereft of so many and such great men as I have now named, let me proceed to the living; two of whom, persons of consular dignity, are still alive. L. Cotta, a man of the greatest abilities and the utmost prudence, in the most honourable terms decreed a supplication for that very conduct which you now condemn; to which those men of consular dignity whom I have just mentioned, and the whole senate, assented; an honour which, since the building of the city, was never conferred on any man in the robes of peace, besides myself. With what spirit, with what firmness, with what dignity, did L. Cæsar, your uncle,

* Meaning Fulvia, who was first married to Clodius, next to Curio, and lastly to Antony.

† Marcus Cato, otherwise Uticensis, never rose higher than the pretorship; and for that reason is not ranked here among those of consular dignity.

pronounce sentence on his own sister's husband, your step-father?* Him you ought to have made your pattern, the director of all your counsels; but you chose rather to resemble your step-father than your uncle. I, though none of his kinsman, yet followed his advice while consul; thou, his sister's son, say, didst thou ever consult him on any thing that related to the public? Immortal gods! whom does he consult with? why with those men, whose very birthdays we must hear of. To-day Antony does not appear; why? he celebrates a birthday in his gardens. Whose? I shall name nobody: imagine it some buffoon's, pimp's, or parasite's. Detestable meanness! intolerable impudence, wickedness, and lust! Thou, though so nearly allied to a principal senator, an eminent citizen, never advisest with him about the state; but advisest with those who, having nothing of their own, consume thy substance. So beneficial is thy consulate to the public, so pernicious was mine.

Art thou so far lost then to shame as well as chastity, that thou hast the assurance to affirm this in that very temple where I consulted with a senate which once presided gloriously over the whole world; but where thou hast now placed the most abandoned villains with swords in their hands? but thou hast also had the assurance to say (for what is there thou hast not the assurance to say?) that the mount of the capitol, in my consulate, was filled with armed slaves; by which I suppose you would insinuate that I forced the senate into the infamous decree it then made. Despicable wretch, to talk so impudently before this assembly, whether thou art ignorant of those things (but thou art a stranger to every thing that is good), or art not ignorant of them! for was there a Roman knight, was there a

* Antony's mother, Julia, was sister to Lucius Cæsar; after the death of Antony's father, she married Lentulus Sura, who was put to death in Cicero's consulship, for being concerned in Catiline's conspiracy.

youth of quality besides myself, was there a man of any rank who considered himself as a citizen, that was not on the mount of the capitol, when the senate was assembled in this temple? was there one who did not enlist himself? the clerks could neither write down, nor the registers contain their names: for when abandoned villains confessed their design of being the parricides of their country; when they were forced by the information of their accomplices, their own handwriting, and the voice of their letters, if I may use the expression, to acknowledge that they had conspired to set fire to the city, to murder the citizens, to lay waste Italy, and overturn the commonwealth, where is the man that must not then have been roused to the defence of the public safety? especially as the senate and people of Rome had then such a leader, that, had they now his fellow, the same fate would overtake thee which then befell them. He denies that I delivered the body of his step-father to be buried.* Not even P. Clodius ever said this, whom, as I had reason to be his enemy, I am sorry to see outdone by thee in all manner of wickedness. But what could put it into thy head to remind us that thou wast educated in the house of Lentulus? wert thou apprehensive that we should imagine nature could not have made thee such a monster without the aid of education?

But so great was thy stupidity, that through the whole of thy discourse thou wast at variance with thyself; insomuch that what thou saidst was not only incoherent, but widely different and contradictory; so that thou didst not seem to contend so much with me as with thyself. You owned that your step-father was concerned in that monstrous conspiracy; but complained that he was punished for it. Thus, what was properly my act you ex-

* Antony, it seems, had objected to Cicero that he refused burial to the corpse of Lentulus Sura; but this charge was groundless.

tolled; what was wholly the senate's you condemned: for that the guilty were apprehended was owing to me; that they were punished, to the senate. This orator therefore does not perceive that he is praising the man he speaks against; and condemning those before whom he speaks. Now by whose, I will not say audaciousness, for he loves to be called audacious, but by whose stupidity, an imputation he by no means likes, though he exceeds all men in it, shall I say it is, that the mount of the capitol was mentioned, when armed men are posted even amid our benches? when in this very temple of Concord, immortal gods! in which, under my consulship, wholesome measures were taken,—measures by which we now live, guards are placed with swords in their hands? Accuse the senate, accuse the equestrian order, which was then connected with the senate,—accuse every rank, and every citizen, but you must confess that this assembly is, at this very instant, beset by barbarians.* It is not owing to your audaciousness that you talk so impudently, but your not perceiving the inconsistency of what you say, shows your extreme stupidity: for what can be more absurd than to reproach another with taking up arms for the defence of his country, when thou thyself hast prepared an armed force for its destruction? but you once had a mind to be witty. Good gods! how ill did that become you, and in some measure, let me tell you, it was your own fault; for you have a lady† who might have infused some wit into you. "Let arms give place to the gown." How! and did they not then give place? but the gown afterward gave place to thy arms. Let us consider, then, which was best; that the arms of impious men should yield

* Jews, whom Antony, when he served under Gabinius the proconsul, brought with him to Rome, as persons every way qualified to execute his brutal and ambitious purposes.

† This was Cytheris, one of Antony's mistresses, whom he is said to have carried along with him in his military expeditions.

to the liberty of the Roman people, or that our liberty should yield to thy arms. But I shall say no more to thee concerning poetry, only observe briefly that thou art an utter stranger to that, and every other branch of literature; that I have never been wanting in what I owe either to the state or to my friends; and yet, by the works of every kind which I have composed in my leisure hours, have made my labours and learning contribute somewhat to the advantage of youth, and the glory of the Roman name. These things, however, are foreign to our present purpose; let us proceed therefore to what is of greater importance.

You said that Publius Clodius was killed by my advice. What would men have thought had he been killed when you pursued him in the forum with your drawn sword, before the whole people of Rome; and had effected your purpose, if he had not thrown himself under the steps of a bookseller's stall, and by barricading it put a stop to your pursuit? In this, indeed, I confess that I countenanced you; but you yourself do not say that I advised you to do it: as for Milo, I could not possibly countenance him, for he had completed the business before any person suspected that he had undertaken it. Yet it was I who advised him to it; as if Milo could not have done a service to his country without an adviser. But I rejoiced at it. What! amid such universal joy, was there any reason why I should be the only dejected person in Rome? Yet, though it was not so very prudent to do it, a trial was appointed concerning the death of Clodius; for where was the necessity of trying a man by a new law, for the murder of another, when such a proceeding was authorized by the laws already in being? the trial, however, went on: and what nobody, while the affair was depending, accused me of, that you have laid to my charge so many years after. But as to what you had the assurance to say, and that in so many

words, that Pompey was separated from Cæsar's friendship by my means; and for that very reason, that the civil war was owing to me, though you are not altogether in the wrong, yet you are widely mistaken in point of time, which is a point of great importance.

While M. Bibulus, that most valuable citizen, was consul, I omitted no means in my power to draw off Pompey from his connexion with Cæsar: but in this Cæsar was more fortunate, for he separated Pompey from my friendship. But after Pompey had given himself up entirely to Cæsar, why should I have endeavoured to disunite them? To have entertained hopes of doing it had been folly; to have attempted it had been impudence. Two occasions, however, there were, on which I advised Pompey to oppose Cæsar; and both these measures you may blame, if you can. The first was, that Cæsar's five years' command should not be prorogued; the other, that Pompey would not suffer any regard to be paid to Cæsar's absence:* in either of which could I have prevailed, we had never fallen into these calamities. Yet when Pompey had delivered up all his own power, and that of the Roman people into Cæsar's hands, when he began too late to perceive those evils which I had long before foreseen, and when I saw that an unnatural war was ready to break out against my country, I never ceased endeavouring to promote peace, harmony, and a reconciliation: what I said on that occasion is well known to many. "I wish, Pompey, you had never contracted, or never broken off, your friendship with Cæsar; the one had been consistent with your dignity, the other with

* Pompey, when he was consul the third time, in the year 701, procured a law, empowering Cæsar to offer himself as a candidate for the consulship, without appearing personally at Rome for that purpose. This was contrary to the fundamental principles of the Roman constitution, and proved in the event the occasion of its being utterly destroyed; as it furnished Cæsar with the only specious pretence for turning his arms against the republic.

your prudence." These, Mark Antony, have ever been my counsels, both with regard to Pompey and the state: had they prevailed, the constitution had stood, and you must have fallen by your crimes, your poverty, and infamy.

But these are instances of an old date: let us proceed to one that is later: you say, then, that Cæsar was killed by my advice. Here I am afraid, conscript fathers, of a most scandalous imputation, since it may seem as if I set up this sham accuser, not only to load me with my own honours, but with those of others: for who ever heard my name among those who had a share in that most glorious deed? yet whose name that was concerned in it was concealed? Concealed, do I say? whose that was not immediately published? I would sooner say that some boasted of being in that number, who were not, than that any who were desired to be concealed. Besides, how likely is it, that among so many, partly persons of obscure birth, partly young men, who concealed nobody, my name could possibly lie hid? For if those heroes had wanted persons to rouse them to the deliverance of their country, needed I to have prompted the two Bruti, each of whom had the statue of L. Brutus daily in his eye, and one of them that of Ahala besides?* Sprung from such progenitors, therefore, would these men have asked advice of a stranger, rather than of their own family, abroad rather than at home? What! C. Cassius,† descended from a family that not only could not brook sovereignty, but even the superiority of any one, he, I suppose, wanted my instigation, who, even without the assistance of his illustrious partners, would have done this very thing in Cilicia, at the

* Ahala was one of Brutus's ancestors by the mother's side: he slew Sp. Melius, a Roman knight, suspected, on account of his largesses to the people, of aiming at the sovereignty.

† Cassius was descended from the great C. Cassius, who put his own son to death, because suspected of forming designs against the state.

mouth of the river Cydnus, if Cæsar had not landed on a different side from what he intended. It was not the death of his father, that most illustrious man, nor the fate of his uncle, nor the being deprived of his own honours, but my influence, that roused Cn. Domitius* to recover his liberty. Did I persuade C. Trebonius? a man I would not even have ventured to talk to on such a subject: for which reason the state owes him greater thanks, because he preferred the liberty of the Roman people to the friendship of a single person, and chose rather to be the expeller than the partner of usurpation. Was L. Tillius Cimber† determined by me? one whom I was rather surprised to find concerned in such an action, than of opinion that he would undertake it; and the reason of my surprise was, that he could be unmindful of favours, and mindful of his country. How shall I distinguish the two Servilii?‡ shall I call them Cascas, or Ahalas? And canst thou think that these were influenced more by my persuasion than love for their country? It would be tedious to mention the rest. That there were so many is an honour to their country, and glorious to themselves.

But observe in what manner this acute reasoner is to convict me. "The moment Cæsar was killed," says he, "M. Brutus extending his arm aloft with the bloody dagger, called aloud on Cicero by name, and congratulated him on the recovery of liberty." But why did he congratulate me in particular? because I was privy to the design. Consider whether this was not the reason of his calling on me, that as

* Domitius was the son of L. Domitius, who fell in the battle of Pharsalia, and nephew to Cato Uticensis.

† Seneca, in his epistles to Lucullus, says that this Cimber was a notorious drunkard; and that, nevertheless, the secret of Cæsar's death was as much intrusted to him as it was to Cassius, who all his life had drunk nothing but water.

‡ Publius Servilius, the father, was consul, A. U. C. 674; and, having taken some towns of the Isauri, he assumed the surname of Isauricus. His son was twice consul.

he had performed an action of a similar nature with mine, he called me to witness that he appeared there as the rival of my glory. But, dunce, dost thou not perceive, that if a desire of having Cæsar killed, which thou chargest me with, be a crime, it is also a crime to rejoice at his death? for where is the difference between the adviser and approver of an action; or what matters it whether I wanted to see it done, or rejoiced at it? Is there then a man, excepting thyself, and those who rejoiced at his usurpation, who was either averse to its being done or condemned it when done? All men then are criminal: for all good men, as much as they could, were concerned in the death of Cæsar. Some wanted resolution, some spirit, some the opportunity; but not one the inclination. But observe the stupidity of the man,—or shall I rather say of the brute? for these were his words: "M. Brutus, whom I name with honour, holding up the bloody dagger, called aloud on Cicero; whence we may infer that he was privy to the design." I therefore am called a villain, because you suspect me to have suspected something; he that held up the reeking poniard is mentioned by you with honour. Be it so: let this stupidity be in thy words. How much more is there in thy sentiments and actions? determine, my worthy consul, the nature of what the Bruti, C. Cassius, Cn. Domitius, C. Trebonius, and the rest have done. Take my advice, sleep out thy wine, and dispel its fumes. Must torches be applied to rouse thee, nodding over a cause of such importance? wilt thou never understand, that it must be determined by thee whether those who committed that action were murderers or the assertors of liberty?

Yet attend a little, and for one moment think like a sober man: for I, who confess myself their friend, and, as you affirm, am their associate, deny that there is any medium: I allow, that if they were not the deliverers of the Roman people, and the pre-

servers of the state, they are worse than ruffians, worse than murderers, worse even than parricides: inasmuch as it is a greater crime to murder the father of one's country than it is to murder one's natural father. What sayest thou, wise and considerate man, to all this? if they are parricides, why are they always mentioned by thee with honour, both in this assembly and before the Roman people? Why had M. Brutus, at thy motion, a dispensation from the laws, of being absent from the city above ten days?* why were the Apollinarian games celebrated in so honourable a manner for M. Brutus? why provinces assigned to Cassius and Brutus? why questors added? why the number of their lieutenants augmented? and all this was done by thee. They cannot then be murderers. They are, consequently, in thy judgment, deliverers of their country, since there can be no medium. What is the matter? do I disconcert thee? perhaps thou dost not thoroughly understand what is so clearly stated. This is the sum of what I have said; since by thee they have been acquitted of guilt, by thee they have been thought worthy of the greatest rewards. I shall now therefore change my discourse: I will write to them, that if any should ask whether there was any truth in what you objected to me, not to deny it: for I am afraid lest it should be thought dishonourable in them to conceal it from me, or scandalous

* Brutus and Cassius being obliged to quit Rome after Cæsar's death, and not thinking it safe to return on account of the insolence of the mob, their friends solicited the senate for some extraordinary employment to be granted to them, to cover the appearance of a flight, and the disgrace of living in banishment, when invested with one of the first magistracies of the republic. As pretors, their residence was absolutely necessary at Rome, and could not legally be dispensed with for above ten days in the year: but Antony readily procured a decree to absolve them from the laws; being glad to see them in a situation so contemptible, stripped of their power, suffering a kind of exile, and depending, as it were, on him for their protection. By his means commissions were granted to them to buy up corn in Asia and Sicily for the use of the republic; which was contrived as an affront to them, being absolutely below their character.

in me to decline it when invited: for, O sacred Jove! what greater action was ever performed, not only in this city, but in the whole world? what more glorious? what that can better deserve being held in eternal remembrance? dost thou make me an associate in this design, and shut me up with these heroes, as it were, in the Trojan horse? I will not disown it: nay, I give thee thanks, whatever be thy intention in doing it: for so glorious is the action, that I would not purchase an exemption from the malice which thou wouldst now raise against me, at the expense of the honour attending it. Can there be a happier fate than that of men whom thou declarest thou hast expelled and banished? what place is there so desert or barbarous, that, when they shall approach it, will not invite and entertain them? what men so savage as not to think a sight of them the greatest happiness of their lives? what posterity shall be found so unmindful, what histories so ungrateful, as not to crown their memory with everlasting renown? do thou set me down in the glorious list.

But I am afraid of one thing; namely, that you cannot prove your assertion; for had I been concerned, I should have rid the state, not only of the tyrant, but of tyranny itself: and had the piece been mine, (if I may be allowed to use the expression), I should not have stopped at one act, but finished the whole play. But if it be a crime to have wished for Cæsar's death, what, Antony, must become of you? since it is well known that at Narbonne you entered into that plot with C. Trebonius; and because you had been once engaged in that design, we saw you, when Cæsar was killed, called aside by the same Trebonius.* I indeed commend

* We learn from Plutarch, in his Life of Antony, that when the conspirators were deliberating among themselves about killing Cæsar, it was debated among them whether they should invite Antony to assist them in the execution of their design; that Trebonius opposed the

you (observe how far I am from being an enemy) for having once in your life formed a virtuous purpose; I return you my thanks for not having betrayed the cause; and I forgive you for not acting in it. The affair, indeed, required a man: but if any one should bring you to a trial, and make use of that saying of Cassius, "What good purpose could it serve?" beware, I beseech you, you be not puzzled. Though it was indeed of service, as you yourself said, to all who were not willing to be slaves; and to you in particular, who not only are no slave but even a king; who have paid off your immense debts at the temple of Ops; who by means of the notes I have mentioned have squandered away a prodigious sum; to whom such a treasure was carried from Cæsar's house;* you, whose house is the most lucrative office for fictitious notes and writings; the most scandalous mart for lands, towns, immunities, and taxes: for what but Cæsar's death could have relieved thy necessities, and cleared thy debts? Thou seemest greatly disconcerted about something. Art thou afraid lest this charge should fall on thee? I will rid thee of thy fear: nobody will ever believe it: it is not for thee to deserve well of thy country: those who performed that most glorious deed were the most illustrious persons of the state: I only say, thou didst rejoice at it; I do not charge thee with committing it. I have answered the most heinous part of my charge; it now remains to reply to the other.

motion, alleging that he was no stranger to Antony's sentiments in regard to the affair, since he had already endeavoured to persuade him to it, at that time when Cæsar was returning from Spain. Trebonius represented at the same time that Antony refused to comply with what he proposed, but that he had nevertheless kept the secret faithfully. Cicero gives a different account of the matter; he affirms that Antony entered into the design against Cæsar, but that he had not courage to assist in the execution of it.

* Calphurnia, Cæsar's wife, after the death of her husband, fled for shelter to Antony, carrying with her all the money Cæsar had left behind him, amounting to near a million sterling.

You reproached me with being in Pompey's camp, and with my conduct during all that juncture; a juncture in which, as I said, if my advice and authority had prevailed, thou hadst still been oppressed with want, and we in possession of our liberty: nor would the state have lost so many generals and armies; for I confess, that when I foresaw those things, which have since come to pass, I was as much dejected as other good citizens would have been, had they foreseen the same. It grieved me—it grieved me, conscript fathers, that this constitution, once preserved by your conduct and mine, was so soon to fall to ruin. Not that I was so unexperienced and ignorant of human affairs as to suffer my spirits to sink through a fondness for life; the continuance of which did but consume me with anguish, while the loss of it would have freed me from all my troubles. I wanted those excellent men, the luminaries of the state, to live; so many of consular, so many of pretorian dignity; so many illustrious senators, besides the whole flower of our nobility and youth, with an army of the most worthy citizens: had these lived, though on unreasonable conditions of peace (for to me any peace with my countrymen seemed more eligible than a civil war), we had still been in possession of the government. Had this advice prevailed, and had not those whose safety I consulted, elated with the hopes of victory, opposed it, to say no more, thou certainly hadst never remained in this order, or rather, not in this city. But my discourse alienated Pompey's affection from me. Did he ever love any man more? was there a man with whom he conversed or advised more frequently? which was indeed very extraordinary, that two persons of different sentiments in regard to the most important matters of the state, should yet continue the same intercourse of friendship. But my sentiments and views were known to him, and his to me. I regarded the safety of my countrymen, in the first

place, that afterward we might be able to consult their dignity; he had their immediate dignity rather in view. Thus, as each of us had a different point to pursue, our disagreement was for that reason the more moderate. But what that extraordinary, and almost divine, person thought of me, those know who accompanied him in his flight from Pharsalia to Paphos. He never mentioned me but with honour, and in terms of the most friendly concern; confessing that I saw farther, but that he had hoped for the best. And hast thou the assurance to insult me by the mention of that man, while you own that I was his friend, and you the purchaser of his estate?

But let that war be passed over, in which you were too successful. I shall not even reply to those jokes which you say I made use of in the camp. That camp was indeed full of care: but yet men, even amid scenes of confusion, if they are men, sometimes unbend their minds. But since he both blames me for my dejection and my mirth, it is a strong presumption that I was moderate in both. You deny that any legacies were bequeathed me.* I wish this charge of yours were true; many more of my friends and kinsmen must have been now alive. But how came that into thy head? for I have received above 156,000*l.* in legacies. Though I confess that you have been luckier in this respect; for none but friends mentioned me in their wills; so that what advantage I had, if I had any, was attended with grief. L. Rubrius Cassinas, a man whom you never saw, appointed you his heir. And observe, I beseech you, how much he loved you, when, without knowing whether you were black or white, he preferred you to his own brother's son: he did not even mention Q. Fusius, a Roman knight

* It was reckoned a great disgrace among the Romans to have no legacies bequeathed them by their friends.

of the greatest merit, and an intimate friend, whom he had always declared should be his heir, and named you, whom he never saw, at least never spoke to. I wish you would tell me, if it is not too much trouble, what kind of a man L. Tursetius was in person, how tall he was, of what corporation, and what tribe. I can tell you nothing, you will say, but what estates he had. Therefore he disinherited his brother, and made you his heir. He likewise seized the personal estates of a great many other persons, who were perfect strangers to him, to the prejudice of the true heirs. But what surprises me most is, that thou shouldst have the assurance to mention legacies, when thou didst not succeed to thy own father's inheritance.

Was it in order to collect these things, idiot, that you declaimed so often at another person's country-seat?* though, indeed, your most intimate acquaintance give out that you declaim not for the sake of cultivating your genius, but to evaporate your wine; and to complete the joke, you appointed a master, one who, in your judgment and that of your companions, is a rhetorician, with liberty to say what he pleased against you. A pleasant fellow, truly! but it is no difficult matter to find subjects enough against you and your friends. Observe now the difference between you and your grandfather. He spoke deliberately, and to the purpose; you hastily, and what you say is foreign to the subject. But what wages did you give your master in rhetoric? Hear, hear, conscript fathers, and learn the wounds of your country. You allotted two thousand acres of the Leontine lands, and those, too, free from taxes,

* Antony, being greatly enraged at Cicero's first speech against him, resolved to answer him in person at the next meeting of the senate; for which end he is said to have employed himself during the space of seventeen days in preparing the materials of a speech, and declaiming against Cicero in Scipio's villa near Tibur.

to Clodius the rhetorician,* that for such extravagant wages you might learn—nothing. Was this done too, thou most impudent of men, by virtue of Cæsar's papers? but I shall speak in another place both of the Leontine and Campanian lands, which, having robbed the public of, he has defiled with his infamous tenants: for now, as I have said enough in answer to his accusations, I must touch a little on this corrector and reformer of mine; nor shall I exhaust my subject, that if I should have occasion to engage frequently, which I fancy will be the case, I may still fight with new weapons; an advantage which the multitude of his vices and crimes furnishes me with. Wouldst thou have us then examine thy conduct from a boy? With all my heart: let us trace thee from thy first setting out.

Dost thou remember, that before putting on the manly gown, thou wast a bankrupt? "That was my father's fault." I allow it; for this is a defence full of filial piety. But it was owing to thy impudence that thou seatedst thyself in one of the fourteen rows in the theatre, when by the Roscian law there was a particular place appointed for bankrupts,† even though they became such through misfortunes, and not through their own fault. Recollect the time when Curio the father lay oppressed with grief in his bed; when the son, prostrating himself at my feet, recommended you with tears to my protection; and begged that I would defend you against his own father, if he should insist on having 48,000*l.*, and upwards; for he said that he was engaged for you

* This Sextus Clodius was a Sicilian. Antony gave him two thousand acres of the Leontine lands, reckoned the most fertile in all Sicily.

† In the consulship of L. Metellus and Q. Martius, A. U. C. 682, Lucius Roscius Otho, a tribune of the people, enacted a law, that fourteen rows of benches should be appropriated to the knights in the theatre; but those of them who, either through their own mismanagement or misfortunes, had lost their estates, had no right to sit on these benches.

to that amount: at which time I composed, or rather utterly banished all these evils from that flourishing family. I persuaded the father to pay off his son's debts; by means of his estate, to extricate a youth of the most promising genius, out of his difficulties; and by his paternal power and authority, to debar him, not only from all intimacy, but from all manner of intercourse with you. As you remember all this was done by me, had you not trusted to those swords we now behold, would you have dared to attack me with your reproaches?

But I will now pass over your extravagance and debauchery: there are some things I cannot mention with decency; the knowledge of which gave you the greater scope, since you have been guilty of what cannot be urged against you by a modest enemy. But observe the remaining course of his life, which indeed I shall quickly run over; for I hasten to what he did in the civil war, amid the greatest calamities of his country, and to what he now does every day; which, though much better known to you than to me, yet I beg you would be pleased to continue your attention; for in such cases the passions ought to be roused, not only by the knowledge, but by the recollection, of actions. I must, however, cut off the middle stage of his life, lest I should arrive too late at the last. This man, who now boasts of his favours to me, was intimate, in his tribuneship, with Clodius. He was the minister of all his violent proceedings. He did something at his house too at that time: what it was I need not say; he himself knows very well what I mean.* From thence he went to Alexandria, against the authority of the senate, and that of

* By the second marriage of Antony's mother, he became son-in-law to that Lentulus who was put to death for conspiring with Catiline. To revenge the death of this father he attached himself to Clodius; and, during his tribunate, was one of the ministers of all his violences; yet was detected at the same time in a criminal intrigue in his family, with his wife Fulvia, whom he married after Clodius's death.

religion.* But he had Gabinius for his leader, with whom he could not fail of doing every thing in the best manner. When or how did he return then from thence? He went from Egypt into the farther Gaul,† before he came to his own house. But what house? Every person at that time had a house of his own, but you had none. House, do I say? what place was there on earth where you could set your foot, except Misenus alone;‡ which, like another Sisapo,§ you and your companions possessed?

You came from Gaul to stand for the questorship. Dare you say that you visited your mother before me? for I had received Cæsar's letters before, desiring that I would permit you to make satisfaction;‖ therefore I would not suffer you so much as to mention any apology. After that you attached yourself to me, and I countenanced you in your suit for the

* Ptolemy king of Egypt, having been expelled his kingdom by his subjects, fled to Rome, in order to solicit his restoration by a Roman army. Cato, the tribune, opposed his restoration, with the greater part of the senate on his side. Taking occasion to consult the Sibylline books, on the subject of some prodigies, he chanced to find in them certain verses, forewarning the Roman people not to replace an exiled king of Egypt with an army. This was so apposite to his purpose that there could be no doubt of its being forged; but Cato called up the guardians of the books into the rostra, to testify the passage to be genuine, where it was publicly read and explained to the people: it was laid also before the senate, who greedily received it, and after a grave debate on this scruple of religion, came to a resolution, "that it seemed dangerous to the republic that the king should be restored by a multitude." Gabinius, when proconsul of Syria, in open defiance of the authority of the senate and the direction of the Sibyl, replaced Ptolemy on the throne with his Syrian army. Antony accompanied Gabinius, and acquired the first taste of martial glory, in an expedition undertaken against the laws and religion of his country.

† Instead of returning from Egypt to Rome, where his debts would not suffer him to be easy, Antony went to Cæsar into Gaul, and, after some stay in that province, being furnished with money and credit by Cæsar, he returned to Rome to sue for the questorship.

‡ A promontory of Campania, nigh which Antony had a seat.

§ Sisapo was a town of Corduba in Spain, famous for its mines of red-lead. Cicero mentions it here by way of infamy. It alludes probably to some proverb taken from the collusion of the farmers, in whose hands it was, or from their working under ground.

‖ Antony had shown himself Cicero's enemy in espousing Clodius's party.

questorship; at which time, with the approbation of all Rome, you attempted to kill P. Clodius in the forum; and though you attempted this of your own accord, not by my instigation, yet you declared that you could never make me sufficient reparation for the injuries you had done me, unless you had killed him; for which reason I am surprised you should now affirm that Milo did it at my instigation; seeing I never encouraged you to do it, though you made me that offer of your own accord. Yet had you persevered in your resolution, I should have chosen that that action had been accounted honourable for you, rather than advantageous for me. You were made questor; on which, without any authority of the senate, without any allotment, without any law, you instantly hastened to Cæsar,* for that you thought the only refuge on earth for indigence, debt, villany, and desperate circumstances. There, when by his profusion and your own rapine you had glutted yourself (if that may be called glutting which you instantly disgorged), you flew, empty and beggarly as you were, to the tribuneship, that you might, as far as you could, in that office approve yourself like your friend.

Hear now, I beseech you, not what concerns the impurity and intemperance of his domestic infamy, but his impious and flagitious conduct against us and our fortunes; that is, against the whole constitution: because from his wickedness you will find that all our calamities have sprung: for when, in the consulship of L. Lentulus and C. Marcellus, you were desirous, on the first of January, of propping the tottering and almost falling constitution, and of favouring C. Cæsar himself, could he have been

* The questors, who were the general receivers or treasurers of the republic, were sent annually into the several provinces, one with every proconsul or governor, to whom they were the next in authority: their respective provinces were assigned them by a decree of the senate, or by casting of lots. But Antony, without any regard to laws or customs, went directly to Cæsar as soon as he was made questor.

brought to a proper way of thinking;* then did Antony oppose the venal and prostitute tribuneship to your measures, and subjected his own neck to that axe by which several had perished for crimes of a less heinous nature. But against you, M. Antony, the senate, while it was yet entire, and so many of its lights not yet extinguished, decreed that punishment which, according to the custom of our ancestors, was commonly decreed against an enemy of his country. And have you dared to speak against me before the senate, when by this assembly I have been adjudged the preserver, and you the enemy, of the state? This your guilt has not indeed been mentioned for some time, but it is not forgotten. While the human race, while the Roman name shall remain (and remain it will for ever, unless extinguished by you), that pernicious opposition of yours shall be mentioned. What was done partially, what rashly by the senate, when you, a single youth, hindered that whole order from decreeing what concerned the public safety? and that not once, but often; nor would you suffer yourself to be reasoned with about the authority of the senate. Yet what was their design, but to hinder you from abolishing and utterly overturning the constitution, when neither the principal persons of the city by their entreaties, nor the elders of the people by their remonstrances, nor a full senate by its deliberations, could

* As soon as Lentulus and Marcellus, who were devoted to Pompey's interests, entered on the consulship, the senate voted a decree, that Cæsar should dismiss his army by a certain day, or be declared an enemy. M. Antony and Q. Cassius, two of the tribunes, opposed their negative to this, as they had done to every decree proposed against Cæsar: and when they could not be persuaded by the entreaties of their friends to withdraw their negative, the senate proceeded to that vote, which was the last resort in cases of extremity, "That the consul, pretors, tribunes, and all who were about the city with proconsular power, should take care that the republic received no detriment." As this was supposed to arm the magistrates with an absolute power to treat all men as they pleased whom they judged to be enemies, the two tribunes immediately fled to Cæsar's camp, on pretence of danger and violence to their persons though none was offered or designed to them.

shake your venal, your prostitute purpose? Then, many other previous methods being tried, that blow was necessarily inflicted on you, which few before you had felt, and none without sinking under its weight. Then did this assembly arm against you the consuls, and our other commanders and powers, whose vengeance you had never escaped if you had not fled for protection to Cæsar's army.

You, M. Antony,—you, I say, was the first who furnished Cæsar, already desirous of throwing every thing into confusion, with a pretext of waging war against his country: for what else did he say? what other reason did he assign for his outrageous resolutions and proceedings, but that the intercession was neglected, the tribunitial authority abolished, and Antony overruled by the senate?* I shall not say how false, how trifling these excuses are, especially as no person can possibly have any just reason for taking up arms against his country. But I shall say nothing of Cæsar; yet you must certainly confess, that the cause of that most destructive war was founded in your person. O wretched man! if thou perceivest, more wretched if thou dost not perceive, that this is committed to history, that this stands on record, that no future age will ever forget this fact; that the consuls were expelled Italy, and with them Pompey, the light and ornament of the Roman empire; that all the consulars, whose health would permit them to join in that rout and flight; that the pretors, the pretorians, the tribunes of the people, a great part of the senate, the whole body of our youth; in one word, that the republic was driven out and exterminated from its own habitations. As trees and plants therefore spring from seeds, so are you the seed of this most deplorable war. You are grieved that three Roman armies are

* Though Cæsar's real motive to begin the civil war can be a secret to no person who knows any thing of his victory, yet it is certain that Antony's flight gave the immediate pretext to it.

cut off;* they were cut off by Antony. Ye lament the loss of many eminent citizens; it was Antony that deprived you of them. The authority of this order is wounded; it is wounded by Antony. In short, all the calamities we have beheld ever since, (and what calamities have we not beheld!) if we will reason right, were owing to Antony alone. As Helen was to the Trojans, so has Antony been the occasion of war, misery, and destruction to this state. The rest of his tribuneship was of a piece with its beginning. He did every thing that the senate, while the constitution was unviolated, had taken care to prevent. But how villanous he was in the exercise of his villany you shall now hear.

He restored many condemned persons, but never mentioned his uncle.† If he was severe, why not severe against all? if merciful, why not so to his own relations? But, to pass over the rest, he has restored his playfellow Licinius Denticula, who was condemned for gaming, as if indeed it were unlawful to play with a condemned person; but this was done that what he lost by gaming, he might clear by the benefit of the law. What reason did you assign to the people of Rome why he should be restored? An information had been granted against him, I suppose in his absence; the affair determined without inquiring into the merits of the cause; there was no express law against gaming; he was overpowered by force and arms; in a word, as was said of your uncle, the trial was influenced by money. None of these reasons was assigned; but he was a good man, and a worthy citizen: that, too, is nothing to the purpose. Yet, as you allege that he was unjustly condemned, if this were true, I could forgive him:

* Pompey's, in the plains of Pharsalia; Afranius's, in Spain; and Scipio's, in Africa.

† This was C. Antonius, who was consul with Cicero; on the expiration of his office, he had Macedonia assigned to him for his province; for the maladministration of which he was impeached and brought to a trial, and, being found guilty, was condemned to perpetual exile,

but he that restores the most abandoned of mankind, a man that did not scruple playing at dice even in the forum, and condemned by the law against gaming, does he not evidently profess his own passion for it? Moreover, in the same tribuneship, when Cæsar, at his departure for Spain, delivered up Italy to be trampled on by this fellow, what a progress did he make over the country! what a review of the municipal towns! I know that I am now treating of matters publicly talked of by all; and what I now say, or am about to say, is much better known to those who were then in Italy than to me, who was not. Yet I shall take notice of each particular fact, though all I can say must fall short of what you know: for was ever so villanous, so base, so infamous a conduct heard of in this world?

A tribune of the people rode in a chariot; laurelled lictors went before him; and an actress was carried about in an open sedan. As the inhabitants of the municipal towns, men of credit, were obliged to meet her on the road, they saluted her, not by her known and theatrical name, but by the name of Volumnia. A chariot, full of harlots, followed; his attendants were persons of the most infamous characters; the slighted mother followed the mistress of her abominable son, as if she had been her daughter-in-law; deplorable fruitfulness of an afflicted woman! Traces of his profligacy he left in all our municipal towns, prefectures, colonies; and, in a word, in all Italy. It is difficult and dangerous, conscript fathers, to point out his other detestable deeds. He became a military man, and glutted himself with the blood of citizens very unlike himself: he was fortunate, too, if a guilty person can be said to be fortunate. But as I must beware of reproaching his veterans, and lest he should stir up their hatred against me, I shall say nothing of the nature of the war: though, after all, the case of the soldiers is widely different from yours: they fol-

lowed; you sought a leader. You returned victorious from Thessaly to Brundusium with the legions.* There you did not kill me: a great favour, truly; for I confess you had it in your power; though there was not one of those that were with you who did not think that you ought to spare me. For so great is the love of our country, that my person was sacred to your legions, because they remembered that by me their country had been preserved. But granting that you gave me what you did not take away; and that I now enjoy life by your bounty, because you did not deprive me of it; have your reproaches permitted me to view this favour in the light I used to do, especially as you could not but see that you must hear of these things again?

You came to Brundusium, to the very bosom and embraces of your little actress. How! do not I speak truth? How wretched it is not to be able to deny what it is shameful to confess! If you were not ashamed to expose yourself thus to the municipal towns, were you not ashamed to expose yourself to your veteran army? For what soldier was there who did not see her at Brundusium? who that was ignorant of her coming so many days' journey, to give you joy? who that was not sorry he perceived so late what an infamous wretch he followed? You made a second tour of Italy, accompanied by the same actress: cruel and miserable was the quartering of your soldiers on the towns; scandalous the plunder of gold and silver, but chiefly of wine in the city. To this was added, that without the knowledge of Cæsar, who was in Alexandria, Antony, by the favour of his friends, was appointed master of the horse.† Then he thought

* After the battle of Pharsalia, Cæsar sent back a great part of his army into Italy, under the command of Antony, and pursued Pompey with the remainder of his forces.

† When the news of the battle of Pharsalia and of Pompey's death reached Rome, Cæsar was declared dictator a second time in his absence, and Antony his master of the horse.

he had a right to live publicly with Hippias, and to deliver the tributary horses to Sergius the player. He then chose the house of M. Piso, and not that which he now scandalously possesses. Why should I publish his decrees, his rapaciousness, the estates he bestowed, and those which he violently seized? poverty compelled him to it; to what hand to turn himself he knew not. He was not as yet in possession of the large estate left him by L. Rubrius, and that left him by L. Turselius; he had not as yet become all of a sudden the heir of Pompey, and a great many others who were absent. He was then obliged to live after the manner of robbers, having just as much as he could get by plunder. But let us pass over the instances of his enormous wickedness, and proceed to the shining parts of his character.

Cæsar left Alexandria happy, in his own opinion; but, in mine, he who renders his country unhappy must be miserable. At a public auction, before the temple of Jupiter Stator, the goods of Pompey (oh wretched me! my tears are indeed exhausted, but my heart is penetrated with grief), the goods, I say, of Pompey the Great were put up by the doleful voice of a public crier. In this single instance did the city groan, forgetting her slavery; and though all were possessed by fear, yet the groans of the Roman people found a free passage even from enthralled bosoms. While all were filled with expectation to see who would be so impious, so frantic, so great an enemy to gods and men, as to dare to bid at this villanous sale, no one was found to have assurance enough but Antony; which was the more remarkable as there were so many then present who had assurance enough to do any thing else. There was only one person who durst venture on what the most consummate impudence would have startled at. Did such stupidity then, or, to speak more properly, such madness, possess

you, as not to know, that being descended of such a family, by becoming a bidder in that place, and a bidder too for Pompey's goods, you rendered yourself odious and detestable to the Roman people; and incurred, not only the present, but the future resentment both of gods and men? but how insolently that voracious monster seized on the goods of that man, whose courage rendered the Romans formidable, and whose justice made them dear, to foreign nations!

Having, then, all of a sudden, immersed himself in the wealth of this great man, he was transported with joy: like the character in the play, he was poor this instant, and rich the next. But, as a certain poet expresses it, I forget who, "What lightly comes, lightly goes." It is incredible, it is amazing, how he could possibly squander such immense wealth, I will not say in so few months, but days. Prodigious was the quantity of wine; prodigious that of massy plate; a rich wardrobe; great variety of elegant and noble furniture, such as bespoke not luxury, but plenty: yet all was dissipated in a few days. What Charybdis* so voracious! Charybdis do I say? if there ever was such a monster, she was only a single one: the ocean itself, by heavens, seems scarce capable of swallowing up so much wealth, so widely scattered, and situated in so many distant places, in so short a space of time. There was nothing shut up, nothing sealed, nothing committed to writing. Whole cellars of wine were lavished on the most infamous wretches: some things became the plunder of actors, some of actresses; the house swarmed with gamesters and drunkards; whole days were consumed in revelling,

* Charybdis is a dangerous whirlpool in the straits of Sicily, near the coast of Taurominium, on the eastern side of Demona. over-against Scylla, a fatal rock. Hence the proverb, "You strike on Scylla, endeavouring to avoid Charybdis," it being very hard for passengers to avoid the one or other of them. They are represented by the poets as hideous devouring monsters.

and that in different places; to these things were frequently added great losses at gaming; for Antony himself was not always lucky. There you might have seen the beds of slaves covered with Pompey's purple quilts of rich tapestry. Cease then to wonder, that all these things were so soon dissipated. Such wild profusion must quickly have consumed, not only the wealth of one man, how great soever, but whole cities and kingdoms. Even his houses and gardens did this man swallow up. Consummate impudence! And had you the assurance to enter that house? to cross that sacred threshold? to present your dauntless front before the household gods of that family? Were you not ashamed to dwell so long in a house which none for a long time could behold, none could pass by, without shedding tears? a house in which, senseless as you are, not one single thing could afford you pleasure.

Did you imagine you were entering your own house, when you beheld the beaks of ships and other naval spoils that adorned its porch?* It is impossible: for, senseless and inconsiderate as you are, yet still you know your friends, yourself, and what belongs to you. Nor indeed do I think it possible that you could, either awake or asleep, enjoy any tranquillity of mind: for, violent and frantic as you are, when the form of that extraordinary man presented itself to your imagination, you must have been roused out of your sleep with horror, and even have been often seized with phrensy when awake. As for me, I really pity its very walls and roofs: for what did that house ever behold but the greatest modesty, purity, and sanctity of manners? For Pompey, conscript fathers, as you very well know, was both eminent abroad, and to be admired at

* The Romans, it would appear, had a great pride in ornamenting their porches and the avenues to their houses. Pompey, having been successful in the war against the pirates, had his ornamented with naval spoils.

home; nor more to be commended for his public conduct than for his domestic discipline: yet under his roofs are brothels now instead of bed-chambers, and tippling shops instead of dining rooms. But Antony denies all this. Give over, give over making any inquiry: he has now become frugal; he has divorced his actress, according to the laws of the twelve tables; he has taken away his keys from her, and turned her out of doors. How excellent, how worthy a citizen, the most commendable action of whose whole life is his divorcing an actress! But how often does he talk of his being both consul and Antony? that is to say, both Antony and the vilest fellow breathing; both Antony and the greatest villain on earth: for what else is meant by Antony? If any dignity were implied in the name, your grandfather, I suppose, would sometimes have styled himself both consul and Antony. Yet he never did: my colleague, your uncle, would have done the same, unless you are the only person of the name of Antony. But I pass over those faults, which are not peculiar to that character in which you have harassed your country; let me return to that scene in which you were a principal actor: I mean the civil war, which was begun, contrived, and undertaken by your means.

Your cowardice and your lust rendered you unequal to this war. You had tasted, or rather swallowed down, the blood of your countrymen: in the battle of Pharsalia you led the van; you had murdered L. Domitius, a man of the greatest quality and renown; numbers that had escaped out of the battle, whom Cæsar, as he did some others, would perhaps have saved, you had butchered, after pursuing them with the utmost cruelty. After which great and glorious exploits, why did you not follow Cæsar into Africa, especially as so great a part of the war still remained? In what favour were you with Cæsar, after his return from Africa? in what rank? When

general, you had been his questor; when dictator, his master of the horse; you had been the manager of the war, the adviser of his cruelty, the partaker of the plunder, and by his will, as you yourself owned, named his heir, but you were asked for the money you owed for the house, for the gardens, and for the rest of the purchase.* At first you answered with downright fierceness; and, that I may not always seem against you, what you said was almost just and equitable. "Cæsar ask money of me! why more than I should of him? has he conquered without me? that he could never have done. It was I who gave him a pretext for the civil war; I who passed pernicious laws; I who took up arms against the consuls and generals of the Roman people, against the senate and people of Rome, against our country gods, against our religion and property, and against our very country. Did he conquer for himself only? if the guilt is common, why should not the booty be common too." You demanded only what was reasonable; but what did that signify, while he was more powerful? Turning a deaf ear then to your speeches, he despatched his soldiers to you and your sureties; and when you produced that famous inventory, all of a sudden, what laughter did it occasion? That there should be so long a list of so many different estates, and yet not a single article, excepting a part of Misenas, that the seller could call his own. But

* Antony bought Pompey's houses in Rome and the neighbourhood, with all their rich furniture, at Cæsar's auction; but trusting to his interest with Cæsar, and to the part which he had borne in advancing him to his power, never dreamed of being obliged to pay for them; but Cæsar, disgusted with his debaucheries and extravagance, resolved to show himself the sole master, nor suffer any contradiction to his will; accordingly he gave peremptory orders to L. Plancus, the pretor, to require immediate payment of Antony, or else to levy the money on his sureties, according to the tenor of their bond. This provoked Antony to such a degree, that, in the height of his resentment, he is said to have entered into a design of taking away Cæsar's life, of which Cæsar himself complained openly in the senate.

wretched was the appearance that sale made; a few of Pompey's clothes, and those few soiled; some of his silver plate, all battered together; some of his slaves, all in rags; so that we lamented there was any thing of his left for us to behold. The heirs of L. Rubrius, however, by an order of Cæsar's, forbade the sale. The knave was now at a nonplus; whither to turn himself he knew not. At that very time an assassin, sent by this very man to Cæsar's house, was apprehended with a dagger about him; of which Cæsar, inveighing openly against you in the senate, complained. Cæsar went to Spain, having, on account of your poverty, allowed you a few days to make up your payment. You did not even then follow him. Though so good a gladiator, did you receive your discharge so soon?*

Need any one then be afraid of this man, who is so very timorous in the parts he acts, that is, in making his own fortune? At last, however, to Spain he went; but, he says, it was with danger that he went. How then did Dolabella contrive to go? You either ought not to have espoused that cause, Antony, or, having espoused it, ought to have defended it to the last. Thrice did Cæsar fight with his countrymen, in Thessaly, Africa, and Spain. In all these battles Dolabella was present; and in Spain he even received a wound. If you ask my sentiments, I approve not of his conduct; but yet

* When the gladiators ended their combats, the victors had several marks of favour conferred on them. The most common rewards were the cap and the wand: the former was given only to such gladiators as were slaves, for a token of their obtaining freedom: the *rudis*, which was a kind of rod or wand, seems to have been bestowed both on slaves and freemen; but with this difference, that it procured for the former no more than a discharge from any further performance in public; on which they commonly turned fencing-masters, spending their time in training up young fencers: but the wand, when given to such persons as, being free, had hired themselves out for these shows, restored them to a full enjoyment of their liberty. Both these sorts of discharged fencers, being excused from further service, hung their arms in the temple of Hercules, the patron of their profession, and were never called out again without their consent.

the principles on which he acts only are to be condemned, his constancy deserves commendation. But who are you? Pompey's children first demanded to be restored to their country. Well, be it so; this, we grant, was a cause common to you with others. They likewise demanded the restitution of their gods, their altars, their property, and family estate, which you had seized. As these things were demanded by force of arms, by those who had a right to them by law (though in such violent proceedings there can be no justice), yet still it was very justifiable for the intruder on Pompey's estate to fight against Pompey's heirs. Were not you vomiting amid your riotous feasts at Narbonne, while Dolabella was fighting for you in Spain? But how did you return from Narbonne? Yet Antony asks why I returned so suddenly from my tour. I have lately explained to you, conscript fathers, the reason of my return; I was willing to have done some service to my country, if possible, before the first of January. But, as to the question how I returned, I answer, in the first place, by day, and not by night; in the next place, with a gown and shoes, without either pattens or a short cloak. But you look on me with an angry eye, methinks. Surely you would be glad to be friends with me, if you knew how much ashamed I am of your infamous behaviour, of which you yourself are not in the least ashamed. Of all the scandalous actions among men, never did I see, never did I hear, of any that surpassed this; that you, who looked on yourself as master of the horse, who next year intended suing for, or rather demanding, the consulship, should post through all the municipal towns and colonies of Gaul, in which we used to solicit for the consulship, while it was solicited, and not demanded, in pattens and a short cloak.

But observe the levity of the man. Having come

to the Red Rocks* about the tenth hour of the day, he slunk into a tippling shop, and concealing himself there, drank hard till night: then, driving to the city in his chaise, as fast as he could, he came to his own house all muffled up. "Who are you," says the porter. "A letter-carrier from Marcus," replies the other. On this he is immediately introduced to the lady on whose account he came, and gives her a letter, which she reads with tears; for it was indeed very tenderly written. The substance of it was, that he would have nothing more to say to the actress; that he had laid aside all affection for her, and transferred it to his dear Fulvia. She continued shedding tears very plentifully: the tender-hearted man could no longer support it; he unmuffled his head, and flew to her arms. Infamous man! (for what else can I call you? a more proper epithet I cannot find out,) was it then that a woman might unexpectedly, by your suddenly discovering yourself, see that you filled the city with nocturnal alarms, and all Italy with terror for so many days?† At your own house, indeed, you might allege that love was the cause of your coming; but abroad there was a more scandalous reason, and it was this, lest L. Plancus‡ should distress your sureties. But on being brought into the assembly by the tribune of the people, when you answered

* This was a small village, situated between Rome and Veii, in the Cassian way.

† During Cæsar's stay in Spain, Antony set forward from Italy to pay his compliments to him there, or to meet him at least on the road in his return towards home; but when he had made about half of the journey, he met with some despatches, which obliged him to turn back in all haste to Rome. This raised a new alarm in the city, and especially among the Pompeians, who were afraid that Cæsar, having now subdued all opposition, was resolved, after the manner of former conquerors, to take his revenge in cool blood on all his adversaries; and had sent Antony back, as the most proper instrument to execute some orders of that sort.

‡ This L. Plancus was brother to Munatius Plancus, an intimate friend of Cicero's; and to whom several of his letters are addressed.

that you were come on account of your private affairs, you became the jest even of the populace.

But we have dwelt too long on trifles, let us now proceed to things of greater importance. When Cæsar was returning from Spain, you were the most forward of all others in meeting him; you went and returned very expeditiously, to let him see, that if you were not brave, you were at least active. By some means or other, you got again into his good graces. But this was Cæsar's true character; if he knew a man in indigent circumstances, and overwhelmed with debt, if he was at the same time an infamous and enterprising fellow, he readily received him into his friendship. Having these qualifications then to recommend you, he ordered you to be returned consul, even along with himself. I do not complain of Dolabella, who was then encouraged to stand for it, was persuaded and deluded. How perfidious the behaviour of you both was to Dolabella in that affair can be a secret to none. Cæsar prompted him to sue for it; but appropriated and transferred to himself what was thus promised and accepted of; and you concurred in this piece of treachery. The first of January comes; we are forced into the senate-house: Dolabella inveighed much more copiously and severely against this fellow than I do now.* But when he grew angry, good gods! what did he not say? When Cæsar first of all declared, that before he set out, he would give orders that Dola-

* Cæsar had promised the consulship to Dolabella, but, contrary to expectation, took it to himself. This was contrived by Antony, who, jealous of Dolabella, as a rival in Cæsar's favour, was constantly suggesting somewhat to his disadvantage, and labouring to create a diffidence of him in Cæsar. Dolabella was sensibly touched with the affront, and came full of indignation to the senate, where, not daring to vent his spleen on Cæsar, he entertained the assembly with a severe speech against Antony, which drew on many warm and angry words between them; till Cæsar, to end the dispute, promised to resign the consulship to Dolabella, before he went to the Parthian war; but Antony protested, that, by his authority as augur, he would disturb that election, whenever it should be attempted.

bella should be consul; yet they deny this man to have been a king, though he always talked and acted in this manner: but when Cæsar said so, this worthy augur told us, that, being invested with the priesthood, he had power by his auspices of stopping or rendering void the elections, and he declared solemnly that he would exert this power. Now, observe here, in the first place, the wonderful stupidity of the man: for how! had you not been augur, and yet been consul, would have been less able to do that which you said you were empowered to do by your sacerdotal authority? you could have done it more easily: for we have only the right of declaring; the consuls, and even the other magistrates, have that of inspection. Well, let this be considered only as a slip (and, indeed, consideration cannot be expected from one who is always drunk); but observe his impudence. He declared in the senate, many months before, that he would either put a stop to Dolabella's election by the auspices, or do that which he has since done. Can any man foresee what defect there will be in the auspices, unless he has determined to observe them?* Now this is not allowed by our laws, while the comitia are holding; and if any augur has observed them, he ought to declare them, not while the comitia are holding, but before. But his ignorance and impudence go hand in hand; he neither knows what becomes an augur, nor does what is consistent with decency. Recollect his consulate from that day to the ides of March. Was ever beadle more submissive, more fawning? He could do nothing of himself; he asked every thing: and thrusting his head into his colleague's litter behind, he petitioned for gratuities which he afterward made venal.

* When the augur, in the execution of his office, was to observe the heavens, he went up on some high place; took the augural-staff (which was a sort of crosier bent at one end) in his hand, and marked out the four quarters of the heavens with it. Then he turned to the east, and in this situation waited for a sign, by thunder, lightning, birds, or the wind.

The day for Dolabella's election comes; the lots of the prerogative century are drawn: he remains quiet.* They are declared; still he is silent. The first class is called; their vote is reported: then, as usual, the second class is called to vote: all this was done in less time than I have taken up in relating it. When the business was over, this worthy augur (you would have thought him another Lælius) called out, "Adjourn." Unparalleled impudence! what had you seen? what had you perceived? what had you heard? You neither then said, nor now say, that you were observing the heavens. There was that defect, therefore, which so far back as the first of January you had foreseen and foretold. I trust in heaven then you have belied the auspices to your own destruction, rather than that of your country. You inspired the Roman people with religious scruples: as augur, you made a declaration of the auspices to an augur; as consul, to a consul. I'll say no more on this subject, lest I should seem to shake the acts of Dolabella, which must necessarily some time or other be brought before our college. But attend to the arrogance and insolence of the man. As long as you pleased, Dolabella was unduly elected; and again, when you altered your mind, he was created with regular auspices. If, when an augur declares in the words you declared in, the words signify nothing, confess that when you called out, "Adjourn," you were drunk: if there is any significancy in these words, I desire you, as a brother augur, to show me?

* By the institution of the comitia centuriata, Servius Tullius secretly conveyed the whole power from the commons; for the centuries of the first and richest class being called out first, who were three more in number than all the rest put together, if they all agreed, as generally they did, the business was already decided, and the other classes were needless and insignificant. The commons, in the time of the free state, to rectify this disadvantage, obtained, that before they proceeded to voting any matter at these comitia, that century should give their suffrages first on whom it fell by lot, with the name of "prerogative century." The other centuries were called out according to their proper places.

what it is. But, lest I should pass over one of the most beautiful of Antony's numerous exploits, let me proceed to the festival of the Lupercalia.*

He is no hypocrite, conscript fathers; it is evident that he is now touched; he sweats, he grows pale: let him do what he pleases, provided he does not vomit, as he did in the Minutian portico. What apology can be made for so scandalous an action? I should be glad to hear, that I may see what are the fruits of the Leontine fields, and of the large wages he paid his rhetoric-master. Your colleague sat in the rostra, arrayed in a purple robe, on a throne of gold, with a crown on his head. You went up to him; you approached his throne (though you were a Lupercal,† you ought to have remembered that you were likewise a consul); you produced a diadem. A general groan issued from the whole forum. Whence had you that diadem? you did not pick it up in the streets, but brought from home the premeditated, the concerted mischief. You put it on his head amid the groans of the people; he rejected it with universal applause. You then, villain, were the only person, who, after having established tyranny, wanted to have your colleague your master;

* This festival was celebrated on the fifteenth of February. The ceremonies observed in it were of a very singular nature. First, two goats and a dog were killed; then the foreheads of two young men of distinction were touched with the bloody knife, and they were to laugh when they were thus touched. When this was done, the skins of the victims were cut into thongs and whips for the young men; who, armed in this manner, and covered only with a pair of drawers, ran about the city and the fields, striking all they met. The young married women suffered themselves to be struck by them, and believed those strokes were a help to fruitfulness.

† Cæsar received from the senate the most extravagant honours, both human and divine, which flattery could invent. Among the other compliments that were paid to him, there was a new fraternity of Luperci instituted to his honour, and called by his name; of which Antony was the head. Cæsar, in his triumphal robe, seated himself in the rostra, in a golden chair, to see the diversion of the running; where, in the midst of their sport, the consul Antony, at the head of his naked crew, made him the offer of a regal diadem, and attempted to put it on his head.

and at the same time made trial what the Roman people would endure. But you likewise applied to his compassion, and threw yourself as a suppliant at his feet: for what favour? that you might be a slave? This you should have asked for yourself alone, who have lived from your childhood in such a manner as to bear any thing, as to serve tamely: from us, surely, or the people of Rome, you had no such commission. O that inimitable eloquence of yours, when you harangued the people naked! what could be more scandalous than this? what more shameful? what more worthy of the severest punishment? Do you expect that I am to sting you? If you have not lost all feeling, this speech must wound, must harrow up your soul. I am afraid lest I should lessen the glory of the greatest of men; yet the anguish of my soul will not suffer me to be silent: what can be more shameful than that he should live, who bestowed a royal diadem, when all confess that he was justly slain who rejected it? he even ordered it to be entered in the public acts, at the time of the Lupercalia, that "M. Antony, the consul, by command of the people, offered kingly power to C. Cæsar, perpetual dictator, but that Cæsar refused it." Now, indeed, I am not in the least surprised that you disturb the public tranquillity; that you not only hate the city, but the light of the sun; and that you live with the most abandoned ruffians, not only voluptuously, but without any manner of reflection. For where can you set your foot in time of peace? what refuge can you have in laws and statutes, which you have done your utmost to abolish by introducing regal authority? Was L. Tarquinius then banished? was Sp. Cassius, Sp. Melius, M. Manlius, put to death for this, that so many ages after, contrary to all law, a king should be set up at Rome by M. Antony? But let us return to the auspices.

Let me ask you how you would have behaved in the business which Cæsar was to have transacted in

the senate on the ides of March.* I was told indeed that you came prepared, because you thought I would speak about the fictitious auspices, which yet there was a necessity of obeying. The fortune of the people of Rome prevented the transactions of that day; but did the death of Cæsar destroy the judgment you passed concerning the auspices? But I have touched on a juncture, which I must speak concerning before I go on with what I had begun to treat of. How you fled, how you trembled on that day! how the consciousness of your guilt made you despair of life, while out of the general rout you conveyed yourself privately to your own house, by the favour of those who meant that you should be safe, could you have had discernment enough to perceive it! O my vainly unerring foresight of future events! I told those brave deliverers of ours in the capitol, when they desired me to go and exhort you to the defence of the state, that while you were afraid, you would promise every thing; but as soon as your apprehensions were over, that you would act like yourself.† Therefore, while the other consulars went backward and forward, I remained fixed in my purpose; I neither saw you on that nor the follow-

* When Cæsar had prepared every thing for his expedition against the Parthians, before his departure he resolved to have the regal title conferred on him by the senate, who were too sensible of his power, and obsequious to his will, to deny him any thing; and to make it the more palatable at the same time to the people, he caused a report to be industriously propagated through the city, of ancient prophecies found in the Sibylline books, that the Parthians could not be conquered, but by a king; on the strength of which, Cotta, one of the guardians of these books, was to move the senate to decree the title of king to him. As this was to be part of the senate's business on the occasion here mentioned, Cicero asks Antony what he would have done in the affair.

† Brutus, deceived by Antony's artful conduct, immediately after Cæsar's death, had conceived hopes of him, and proposed sending a deputation to him to exhort him to measures of peace. Cicero remonstrated against this, for the reasons he here assigns, and could not be prevailed on to bear a part in the deputation; so that while the other consular senators were going forward and backward as mediators between Antony and the conspirators, Cicero remained fixed in his purpose, and did not see Antony for the first two days after Cæsar's death.

ing day; nor did I think it possible that a union could be established by any ties whatsoever, between the best of citizens and the most inveterate enemy of the state. Three days after I came to the temple of Tellus, and indeed unwillingly, as all the avenues to it were blocked up by armed men. What a day, Mark Antony, was that for you? though you suddenly became my enemy, yet I pity you, because you are an enemy to yourself.

Immortal gods! how good, how great a man you might have been, could you have preserved a due remembrance of that day! We might have had a peace, that was sealed by a noble youth, the son of M. Antony, and grandson of M. Bambalio. Though fear made you good for a while, yet the restraint was soon removed; that audaciousness which never deserts you when fear is absent rendered you a villain. And even at that time, when men thought best of you, though I still differed from them, you wickedly presided at the tyrant's funeral, if a funeral it might be called.* Yours was that beautiful panegyric, yours that pity, yours that exhortation. You, you, I say, kindled those firebrands with which his body was half-consumed, and those by which the house of L. Bellienus was set on fire and burnt down.† You it was who let loose on us the rage of those abandoned villains, for the most part slaves, whom we were obliged to repel by force and violence. Yet, as if your foulness had been wiped off, the following days you made some noble decrees in the capitol, that after the ides of March no bill for

* Antony procured a decree of the senate for allowing a public funeral to Cæsar, as being the best opportunity of inflaming the soldiers and the populace, and raising some commotions to the disadvantage of the republican cause, in which he succeeded so well that Brutus and Cassius had no small difficulty to defend their lives and houses from the violence of his mob.

† The populace, excited by the spectacle of Cæsar's body, and the eloquence of Antony, who made the funeral oration, committed numberless acts of violence; and, among others, set fire to the house of this Bellienus, who was a senator.

immunities or favours should be fixed up. You yourself mentioned the exiles; you know what you said concerning immunities. But, what was best of all, you banished the name of dictator for ever from the state; by which action you seemed to have conceived such an aversion to royalty, as to be desirous of taking away all apprehensions of it, on account of the last dictator. To others the state seemed to be settled, but very different were my sentiments; for, while you were at the helm, I dreaded a universal wreck. Was I then mistaken? or could he any longer be unlike himself? Bills were stuck up all over the capitol, even while you stood looking on: immunities were granted, not only to single persons, but to whole states. The freedom of Rome was not now conferred on individuals, but on whole provinces. If these acts therefore remain, conscript fathers, which, if the constitution subsists, cannot remain, you have lost whole provinces; and not only your revenues, but the whole power of Rome must sink by this domestic traffic.

What is become of the five millions of money which appeared by the books to be in the temple of Ops? Fatal indeed were his treasures; but yet if they must not be restored to those to whom they belonged, they were such as might free us from our taxes. But how could you, who on the ides of March owed above thirty thousand pounds, pay off such a debt before the first of April? why should I mention an infinite number of writings and notes? Innumerable indeed were the favours which, not without your knowledge, were purchased by different persons; but one famous decree, concerning King Deiotarus, the faithful friend of the Roman people, was stuck up in the capitol;* at the sight of which there

* Deiotarus was king of Galatia, and a faithful ally of Rome. For his adherence to Pompey he was deprived of part of his dominions by Cæsar, at whose death his agents at Rome bargained with Antony for the sum of eighty thousand pounds to restore the good old king to his dominions

was not a person that could refrain from laughing, though under the deepest concern; for was ever one man a greater enemy to another than Cæsar was to Deiotarus? whom he hated as much as he did this order, as he did the Roman knights, the inhabitants of Marseilles, and all who had the interest of their country at heart. King Deiotarus then became the favourite of a man when dead, from whom when alive he could never obtain the least favour or justice, either present or absent. While Cæsar was alive he prosecuted Deiotarus, who entertained him at his court, fleeced him, extorted money from him, placed one of his Greek attendants over his dominions, and took away Armenia from him, which had been given him by the senate: all this, while on earth he deprived him of, after his death he restored. But what words did he make use of to justify such a proceeding? One while he says that it seems reasonable to him; another, not unreasonable. A strange way of talking! but Cæsar never said that any thing seemed reasonable to him which we asked for Deiotarus; for whose interest I always appeared in his absence. A promissory note for above seventy-eight thousand pounds, without my knowledge, or that of any of the king's friends, was, by his ambassadors—good men indeed, but unexperienced—drawn up in Fulvia's apartment, where many other things have been, and still are, prostituted to sale. I think you should consider well what you are to do with this note: for the king, of himself, without having recourse to any of Cæsar's papers, as soon as he heard of his death, recovered what belonged to him by his own bravery. As he was a wise prince, he knew well that what tyrants took away the injured party, on the death of the tyrant, had a right to recover. No lawyer then, not even

again. But in this he was beforehand with them; for he no sooner heard of Cæsar's death than he seized by force on what he had been unjustly dispossessed.

that fellow who is employed as a lawyer by none but you, and who advised you to this step, pretends that his note gives you a title to what was recovered before it was granted; for he did not buy it of you, but was in possession of it before you sold him what was his own. He acted like a man; we like despicable poltroons: for we detest the tyrant, and yet defend his acts.

Why then should I mention the numberless memorandums and notes of hand? which several persons even make it their business to counterfeit, and sell as publicly as if they were gladiators' bills. Hence it is that such prodigious heaps of money are now piled up at his house, that it is weighed out, not told. But how blind is avarice! A bill is lately stuck up, by which the richest cities of Crete are exempted from taxes; and it is decreed, that after the proconsulate of M. Brutus, Crete shall be no longer a province. Are you in your senses? ought you not to be bound? Can Crete, by any decree of Cæsar's, be made free, after the proconsulate of Brutus, when Brutus had nothing to do with Crete while Cæsar was alive? But lest you should think there is nothing in this, you have, by the traffic of such a decree, actually lost the province of Crete. In a word, never was any thing bought that Antony is not ready to sell. Did Cæsar, too, pass the law concerning exiles which you stuck up? I insult no man on his misfortune; I only complain, in the first place, that they whose case Cæsar thought to be different have been scandalously put on a footing as to their return from banishment: in the next place, I cannot perceive why you should not extend this favour to all; for there are not above three or four excepted. Why should not those who are involved in the same calamity be equally the objects of your compassion? why do you treat them as you do your uncle, whom you would not pardon when you pardoned the rest—whom you urged, however,

to stand for the censorship, and drew up a petition for that purpose, which excited both the laughter and indignation of mankind? but why did not you hold that comitia? was it because a tribune of the people declared that it thundered to the left?* When your own interest is concerned, the auspices are considered as nothing; when that of your friends, then you are strictly religious. What! did you not desert him, when he put up for being a septemvir?† But he asked for his money; what were you afraid of? lest you could not refuse to pay him, I suppose, if he was once restored. You loaded a man with all manner of reproaches, whom you ought to have revered like a father, had you had the least spark of filial piety. His daughter,‡ your own cousin, you turned away, having first looked out and bargained for another match. Yet this was not enough; you defamed a woman of the strictest honour. Could any thing be added to this? yes, you went farther still. You had the assurance to say on the first of January, in a full senate, where your uncle was present, that the ground of your enmity to Dolabella was your having found out that he attempted to debauch your cousin and wife. Who can determine which was greatest on this occasion, your impudence in the senate, your villany against Dolabella, your indelicacy before your father, or your cruelty in using such base and unbecoming language against an unfortunate lady?

* When thunder was heard to the left it was considered a happy presage, on every other occasion but that of holding the comitia, when it was deemed an unhappy one.

† Seven commissioners, called the *septemviri*, were appointed for taking care of the feasts appointed in honour of the gods. It is probable, however, that Cicero here means one of the seven commissioners appointed, after Cæsar's death, for dividing the Campanian and Leontine lands.

‡ Antony's declaration that the ground of his quarrel with Dolabella was his attempt to seduce his wife Antonia, the daughter of his uncle, was probably without any foundation, and contrived only to colour his divorce with her, and his late marriage with Fulvia, the widow of Clodius.

But let us return to the notes of hand. How came you to take these things under your cognizance? for Cæsar's acts were confirmed by the senate for the sake of peace; at least what Cæsar enacted, not what Antony says he enacted. Whence are they issued? by whose authority are they produced? if fictitious, why are they approved of? if genuine, why are they exposed to sale? But it was agreed on, that from the first of June the consuls should, with assistants, take cognizance of Cæsar's acts. Who were these assistants? whom did you ever summon? what kalends of June did you wait for? Those, when having made a tour through all the colonies of the veterans, you returned to Rome attended by armed men? what a glorious tour that was of yours in the months of April and May, when you attempted to settle a colony at Capua!* how you left that place, or rather how near you were never to have left it, we all know. You threaten that city. I wish you would proceed so far, as that the "near" I just now mentioned may be no longer necessary. But what a noble progress that was of yours! why should I mention your grand entertainments, or your excessive drinking? The one was your loss, the other ours. When the lands of Campania were exempted from taxes, that they might be divided among the soldiers, we thought a deep wound was given to the constitution; but you divided them among your fellow-debauchees and gamesters. Actors and actresses, I say, conscript fathers, are now settled in the territories of Campania. Why should I now complain of the Leontine lands? and yet these territories were once a rich inheritance to the Roman people, and brought in a large revenue to the public treasury. Three thousand acres to a physician, as

* Antony, in order to engage the veteran soldiers to his service, wanted to give them the Capuan lands, and to settle a new colony there. He went to Capua, in order to divide the lands; but the inhabitants made a vigorous resistance, and had almost put him to death.

if he could have made you sound; two thousand to a rhetoric-master, as if he could possibly have made you eloquent. But let us return to your journey, and to Italy.

You settled a colony at Casilinum, where Cæsar had settled one before. You consulted me indeed by letters concerning Capua (I should have returned you the same answer as to Casilinum), whether you could lawfully introduce a new colony into a place where a colony had been already settled. I denied that a new colony could lawfully be introduced while a colony that was settled by proper auspices was unimpaired; but I wrote you word that new planters might be added to the former. But you, elated with pride, and disregarding all the laws of auspices, settled a colony at Casilinum, where one had been planted a few years before, that you might raise a standard, and drive round a plough whose share almost grazed on the gate of Capua, that you might lessen the territory of a flourishing colony. From this violation of what was sacred, you flew to the Cassinian estate of M. Varro,* a man of the greatest honour and integrity. By what right? with what face? The same, you will say, with which you seized on the estates of the heirs of L. Rubrius and L. Turselius; with which you thrust yourself into a great many other possessions. You bought this estate at a sale, you will say; let the sale be legal, let the bills be legal, provided they be Cæsar's, not your own; those by which you were a debtor, not those by which you cleared yourself. But who can say that Varro's Cassinian estate was sold? who ever saw that sale? who heard the voice of the auctioneer? You say that you sent a person to Alex-

* Varro was a senator of the first distinction, both for birth and merit—Cicero's intimate friend, and esteemed the most learned man of Rome. He had served as Pompey's lieutenant in Spain, in the beginning of the war; but, after the defeat of Afranius and Petreius, quitted the profession of arms, and retired to his studies.

andria to buy it of Cæsar; for it would have been too long, it seems, to wait till he himself should come to Rome. But who ever heard (and yet there was no man for whose welfare the public was more concerned) that any part of Varro's estate was sequestered? yet if it should appear that Cæsar wrote to you to restore it, what can be said bad enough of such monstrous impudence? Remove those swords a little which are now before our eyes, and you shall instantly see the difference between Cæsar's authority for ordering a sale, and your audacious presumption; for not only the proprietor of that estate, but any friend, neighbour, guest, or steward of his shall have it in his power to drive you from it.

Yet for how many days did you shamefully revel in that villa? from the third hour there was nothing but drinking, gaming, and vomiting. O unfortunate dwelling, what a different master was there! though, how can he be called the master? yet how unlike its former possessor! For M. Varro intended it should be a retreat for study, and not a haunt for lewdness. In that villa, what was formerly the subject of conversation? what of meditation? what was committed to writing?—The constitution of Rome, the monuments of our ancestors, every subject of learning and philosophy. But while you were tenant there, for you were not master, nothing was to be heard but the noise of drunkards; the pavements floated, the walls were stained with wine; free-born youths of liberal education were confounded with the worst of characters, and matrons with abandoned women. People came from Cassinum, Aquinum, and Interamna,* to pay you their

* Cassinum was a town of Campania, now called Monte Cassino. Aquinum was a town of the Latins, near Samnium; it was the place of Juvenal's birth, and is now called *Aquino*. Interamna was a town of Campania, not far from Aquinum; it derived its name from its situation, between the rivers Melpis and Liris.

compliments; not one was admitted. And this indeed was right; for the ensigns of consular dignity were disgraced by so infamous a fellow. In his return from thence to Rome, when he came to Aquinum, great numbers (for it is a populous town) came out to meet him; but he was carried through the streets in a covered litter, as if he had been dead. The inhabitants of Aquinum acted foolishly; yet what could they do, they lived on the road? But what shall we say of the Anagnini? who, though they lived off the road, yet came down and complimented him, as if he had been really a consul. It is incredible to relate, yet all agree that he returned no compliments; which is the more surprising, as he had two inhabitants of Anagni in his train, Mustela and Laco: the one an excellent fencer, the other an excellent drinker. Why should I mention the threats and abuses he threw out against the Sidicinians? He oppressed the inhabitants of Puteoli, for putting themselves under the patronage of C. Cassius, the Bruti; which they certainly did from principle, from inclination, from friendship, and affection; not from dread and terror, which forced them to follow you and Basilus,* whom nobody would choose as clients, much less as patrons.

In the mean time, during your absence, what a glorious day was that to your colleague, when he demolished that monument in the forum which you used to worship! at the news of which, we are told by those who were present, you fainted away. What happened after that I know not; I suppose fear and the dread of arms then prevailed. You drew your colleague down from that glorious height to which his merit had raised him, and rendered him, not so bad as yourself indeed, but surely very unlike to Dolabella. But what was your return from thence

* This Basilus, it seems, was a person of a very infamous character, and a great temporizer; as appears from his joining Pompey in the civil wars, and afterward associating himself with Antony.

to Rome? what confusion was the whole city thrown into? We remembered Cinna too powerful; we had seen Sylla afterward tyrannizing; and had just beheld the usurpation of Cæsar. These had swords perhaps, but they were sheathed, and few in number. But on that occasion, how detestable and how great were the barbarities you committed! Battalions of soldiers, with swords in their hands, followed you; and we saw litters carried along filled with bucklers. But these objects, conscript fathers, were so frequent and so familiar to us that we became quite insensible to them. On the first of June, when we would have met in the senate, according to appointment—struck with sudden fear, each of us fled. But he who neither wanted a senate, nor wished for the counsels of any person, but rather rejoiced at our departure, immediately put in execution those wonderful acts of his. He who had defended Cæsar's notes while he could gain any thing by it abolished Cæsar's laws, and those salutary ones, that he might overthrow the constitution. He prorogued the number of years for holding provinces; and this man, who ought to have been the defender of Cæsar's acts, repealed them; both those of a public and those of a private nature. In public affairs nothing is of more weight than a law; in private, nothing of greater force than a will. Some laws he abolished without promulgation; others he stuck up, that he might abolish those already promulged. He made a will of no effect which is always valid even among the meanest citizens. The statues and pictures which Cæsar, together with his gardens, had left as a legacy to the Roman people, he carried off, partly to Pompey's gardens, partly to Scipio's country seat.

And are you watchful over Cæsar's memory? do you love him even in the grave? what higher honour could he possibly attain to than to have a shrine, an image, a pavilion, and a priest? As Jupiter, as

Mars, as Romulus then have their priests, is M. Antony priest to the deified Cæsar? why do you stop here? why are not you consecrated? appoint a day: look out for some person to consecrate you; we are colleagues, nobody will oppose it. Detestable wretch, whether considered as the priest of a tyrant or of a dead man! I ask you, then, whether you know what a day this is? are you ignorant that yesterday was the fourth day of the Roman games in the circus? that you yourself proposed to the people that a fifth should be dedicated to Cæsar? Why then are we not in our proper robes?* why do we suffer an honour conferred on Cæsar, by your law, to be neglected? Can you, who have suffered a day to be profaned by adding supplications, deny him shrines?—either destroy religion in every respect, or maintain it in all. You will ask, perhaps, whether I approve of a shrine, a pavilion, and a priest? I approve, then, of none of them. But you, who defend Cæsar's acts, what reason can you assign for defending some and neglecting others? unless, indeed, you confess that you measure every thing by your own interest, not by his dignity. What answer can you make to these things? I long for a specimen of your oratorical talents. I know that your grandfather was a man of great eloquence; but he was not so perspicuous in speaking as you are. He never harangued naked;† but such is your plainness and simplicity that you laid open your very bosom to our view. Will you make no answer to this? will not you so much as venture to open your mouth? is there nothing in this long oration of mine

* Such Roman senators as were actual magistrates of the city, as the consuls, pretors, ediles, tribunes, &c., during the year of their magistracy, always wore the *prætexta*, or a gown bordered round with a stripe of purple; in which habit also all the rest of the senate, who had already borne those offices, used to assist at the public festivals and solemnities.

† Cicero here alludes to Antony's haranguing naked during the festival of the Lupercalia.

which you think you can answer? But let us omit what is past.

Defend, if you can, this one day—this present day, I say—this very instant of time in which I am now speaking. Why is the senate beset with a body of armed men? why do your guards now hear me with swords in their hands? why are not the doors of the temple of Concord thrown open? why do you bring into the forum the Ityreans, armed with darts; a race the most savage of all mankind? He answers that he does it for his own safety. Is it not better then to undergo a thousand deaths than not to be able to live in your own country without an armed guard? But, believe me, that is no guard. The hearts and affections of your fellow-citizens, and not your arms, must be your protection. The people of Rome will take away, will wrest these from your hands; and I hope with safety to us all. But whatever way you deal with us, while you pursue such measures, your reign, believe me, will be but short; for too long has your generous spouse, whom I mention without the least reflection, owed the third debt she has to pay to the Roman people.* Rome has those still left whom she may safely trust with the reins of government: in whatever parts of the world they are, there dwells all the safety of this state, or rather the state itself; which has yet only avenged herself, not recovered her former strength. Our country has, indeed, youths of the greatest quality, ready to defend her; though it has been thought expedient for them to retire, out of regard to the public tranquillity, yet their country will recall them. Even the name of peace is pleasing, and peace herself is salutary; yet between peace and servitude there is a wide difference. Peace is

* Fulvia, who was Antony's wife, had three husbands, Clodius, Curio, and Antony: the first was killed by Milo; the second, being sent by Cæsar against Juba, king of Mauritania, was defeated and killed; and Cicero here prognosticates the death of her third husband Antony.

the tranquillity of liberty; servitude the worst of all evils, to be repelled, not only by force, but by death itself. But though these brave deliverers of ours have withdrawn themselves from our sight, yet have they left a glorious example. They have done what no one ever did before. Brutus made war on Tarquin, who was king at a time when it was agreeable to the Roman constitution to have kings. Sp. Cassius, Sp. Melius, M. Manlius were put to death on a suspicion of affecting royalty: but our deliverers are the first who have drawn their swords, not against one who affected royalty, but one who was in actual possession of it; an action which, as it is glorious and divine in itself, so is it worthy our imitation; especially as the authors of it have acquired such glory as heaven itself seems scarce wide enough to contain. For though the consciousness of a glorious deed is a sufficient reward, yet immortality, I think, ought not to be contemned by a mortal.

Call to mind, then, M. Antony, that day when you abolished the dictatorship: set before your eyes the joy of the senate and people of Rome: compare these objects with the treasures you and yours have hoarded up, then will you perceive the difference between profit and applause. But as some persons, through sickness and a stupefaction of the senses, lose all taste for the most savoury food, so the lustful, the covetous, the wicked, have no relish for true glory. But if glory cannot allure thee to virtuous deeds, has fear nothing to restrain thee from the most scandalous actions? judiciary proceedings thou dost not regard; if this proceeds from a consciousness of innocence, I commend it: if through a sense of thy power, dost thou not perceive how much the man has to fear who entertains such a disregard? But if you are above dreading brave men and good citizens, because your arms protect you, yet, believe me, your own creatures will not endure you any

longer. And what a life is it to be under continual apprehensions, night and day, from your own party? unless they are under greater obligations to you than those who put Cæsar to death were to him. But are you in any respect to be compared with Cæsar? He had genius, sense, memory, learning, foresight, consideration, and activity; his achievements in war, though destructive to his country, were yet great in themselves: having meditated usurpation for many years, at length, with great toil and many dangers, he accomplished his design: with presents, shows, largesses, and entertainments, he soothed the thoughtless multitude; his friends he obliged by his generosity, and his enemies by a show of clemency. In a word, partly by fear, partly by patience, he brought a free state to a habit of slavery.

As to the lust of power, indeed, you may be compared with him, though in no other respect will the comparison hold. But, from the numberless evils he brought on his country, this advantage still arises, that the people of Rome have now learned how far any man is to be trusted, into whose hands they may commit themselves, and whom they ought to be on their guard against. Do you not reflect on these things? do you not perceive that it is enough for brave men to have learned, that the most beautiful action in itself, the most delightful in its consequences, and the most illustrious in fame, is that of killing a tyrant? When they could not bear with him, will they bear with you? Believe me, men will now run eagerly into such an enterprise, nor will they wait for slow opportunity. I beseech you then, M. Antony, cast your eye at last on your country. Consider those you are descended from, not those with whom you live: behave towards me as you will, but be no longer an enemy to your country. But these are your concerns; as for me, I will make this public declaration: I defended the

state in my youth, and will not abandon it in my old age; I despised the sword of Catiline, and will not fear yours. Nay, I would willingly expose my person, if by my death the liberties of Rome could be immediately recovered, and the Roman people could be delivered from that painful load they have been so long in labour of. For if, near twenty years ago, I declared in this very temple that death could not be untimely to me, when consular, how much more truly can I make that declaration now that I am an old man! To me, conscript fathers, death is now even desirable, after the many honours I have obtained, and the duties I have performed. Two things only I wish for; the first is, that I may leave the Roman people free; and a greater blessing than this the immortal gods cannot bestow on me: the other, that every man may be rewarded as he has deserved of his country.

ORATION XVII.—NINTH AGAINST ANTONY.

ARGUMENT.

Servius Sulpicius was of a noble and patrician family, of the same age, the same studies, and the same principles with Cicero, with whom he kept up a perpetual friendship—They went through their exercises together when young, both at Rome and at Rhodes, in the celebrated school of Molo: whence he became an eminent pleader of causes, and passed through all the great offices of state, with a singular reputation of wisdom, learning, and integrity; a constant admirer of the modesty of the ancients; and a reprover of the insolence of his own times—When he could not arrive at the first degree of fame as an orator, he resolved to excel in what was next to it, the character of a lawyer; choosing rather to be first in the second art, than the second only in the first: leaving, therefore, to his friend Cicero the field of eloquence, he contented himself with such a share of it as was sufficient to sustain and adorn the profession of the law—In this he succeeded to his wish, and was far superior to all who had ever professed it in Rome; being the first who reduced it to a proper science, or rational system; and added light and method to that, which all others before him had taught darkly and confusedly—Nor was his knowledge confined to the external forms, or the effects of the municipal laws; but enlarged by a comprehensive view of universal equity, which he made the interpreter of its sanctions, and the rule of all his decisions; yet he was always better pleased to put an amicable end to a controversy than to direct a process at law—In his political behaviour he was always a friend to peace and liberty; moderating the violence of opposite parties, and discouraging every step towards civil dissension; and in the war between Cæsar and Pompey was so busy in contriving projects of an accommodation, that he gained the name of the "Peacemaker"—Through a natural timidity of temper, confirmed by a profession and course of life averse from arms, though he preferred Pompey's cause as the best, he did not care to fight for it; but, taking Cæsar's to be the strongest, suffered his son to follow that camp, while he himself continued quiet and neuter: for this he was honoured by Cæsar, yet could never be induced to approve his government—From the time of Cæsar's death, he continued still to advise and promote all measures which seemed likely to establish the public concord—He was sent with L. Philippus and L. Piso, both consular senators, on an embassy to Antony, to desire him, in the name of the senate, to quit the siege of Modena, and desist from all hostilities in Gaul, but died

before he reached Antony's camp—When the news of his death was brought to Rome, Pansa called the senate together to deliberate on some proper honours to be decreed to his memory—He spoke largely in his praise, and advised to pay him all the honours which had ever been decreed to any who had lost their lives in the service of their country; a public funeral, sepulchre, and statue—Servilius, who spoke next, agreed to a funeral and monument, but was against a statue: as due only to those who had been killed by violence in the discharge of their embassies—Cicero was not content with this, but out of private friendship to the man, as well as regard to the public service, resolved to have all the honours paid to him which the occasion could possibly justify—In answer therefore to Servilius, he shows, in this oration, with his usual eloquence, that the case of Sulpicius was the same with the case of those who had been killed on the account of their embassies—The senate, agreeably to Cicero's desire, granted the statue, which, we are told by a writer of the third century, remained to his time in the rostra of Augustus—This oration was delivered A. U. C. 710, and of Cicero's age sixty-four.

I WISH, conscript fathers, the immortal gods had put it in our power to return thanks to the living Ser. Sulpicius, rather than to decree honours to his memory. Nor have I the least doubt, but if that great man could have returned from his embassy, his return would have been both agreeable to us and beneficial to the state; not that L. Philippus and L. Piso were wanting in diligence or attention, in the discharge of so important an office and trust, but, as Ser. Sulpicius exceeded them in years, and all men in wisdom, his being cut off so suddenly left the embassy maimed and imperfect. But if due honours have ever been decreed to any ambassador after his death, they can be due to none more than to Ser. Sulpicius. Others, who have died during their embassy, left Rome without any certain hazard of their lives, without any apprehensions of death: Ser. Sulpicius set out with some hopes of reaching M. Antony, but with no hopes of returning. Though he was in so bad a state of health that he even despaired of himself, if he should add the fatigue of a journey to his indisposition, yet he refused not to try if, with his last breath, he could be of any service to his country. Accordingly, neither the rigour of the winter, the snow, the length of the journey, the

roughness of the roads, nor his increasing indisposition could retard him; and when he had reached the person to whom he was sent, he died the very moment he was going to enter into a conference with him and discharge his commission. On this, therefore, C. Pansa, as well as on all other occasions, you have acted nobly, by exhorting us to honour the memory of Ser. Sulpicius, and by speaking so copiously in his praise. To what you have said I should add nothing, and only declare my assent, were it not that I think it necessary to reply to P. Servilius; who has delivered it as his opinion that the honour of a statue is only due to those who have been killed by violence in the discharge of their embassy. But, in my opinion, conscript fathers, it was not the manner, but the cause, of the death that our ancestors regarded: for they granted a monument to him whose death was caused by his embassy, that in dangerous wars men might undertake the office of ambassador with greater cheerfulness. We are not to seek precedents then from our ancestors, but explain the intentions of those from whom those very precedents sprang.

Lar. Tolumnius, king of the Veientes, put to death, at Fidenæ, four ambassadors of the Roman people, whose statues I remember to have seen in the rostra.* And this honour was due to them; for as they had suffered death on account of their country, our ancestors, for the life they had lost, a life

* In the year of Rome 315, the Fidenates threw off the Roman yoke, and put themselves under the protection of Tolumnius, king of the Veientes, by whose orders they murdered four ambassadors, whom the Romans sent to them to ask the reason of their conduct. So enormous a proceeding was followed by a bloody war; the brave Mamercus Æmilius was nominated dictator, and defeated the Veientes and Fidenates, with the Falisci, who joined them, in a pitched battle. Tolumnius was slain in the action by Cornelius Cossus, a legionary tribune, who stripped him of his armour and royal robes; and these spoils Cornelius afterward carried on his shoulders in the dictator's triumph, and then deposited them in the temple of Jupiter Feretrius. They were the second of the sort known in Rome: the first were borne by Romulus, who killed King Acron in single combat.

short at best, rendered their memory lasting. The statue of Cn. Octavius, an illustrious and great man, who first introduced the consulship into that family, which has since been fruitful in the bravest of men, we still behold in the rostra. No one, at that time, envied new men; virtue was honoured by all. But such was the embassy of Octavius, that there was not the least suspicion of danger in it: for being sent by the senate to penetrate into the intentions of kings and free nations, but chiefly to forbid the grandson of that Antiochus who had waged war with our ancestors, to maintain fleets, or bring up elephants,* he was slain by one Leptines in the gymnasium at Laodicea. A statue was then bestowed on him by our ancestors for the life he had lost; which, for many years after, did honour to his descendants, and at present is the only monument extant to the memory of that illustrious family. But it was not the blood which was poured forth in death, but death itself, undergone for the sake of the republic, that procured this honour to him, and to Tullus Cluvius, L. Roscius, Sp. Antius, and C. Fulcinius, who were killed by the king of the Veientes.

If therefore, conscript fathers, Serv. Sulpicius

* This was Antiochus Eupator, grandson of Antiochus surnamed the Great. At the death of his father, Antiochus Epiphanes, he was only nine years old, and left under the guardianship of Lysias. When the news of Epiphanes's death came to Rome, the senate despatched Cn. Octavius and two others to assume the administration of the government of Syria: and to these they gave instructions to burn all the decked ships, disable the elephants, and, in a word, weaken as much as possible the forces of the kingdom. Octavius, in his journey, passed through Cappadocia, where King Ariarathes offered him an army to escort him into Syria, and to keep the people of that country in awe while he performed his commission: but he, confiding in the majesty of the Roman name, disdained all other protection. At Laodicea he began to put the orders of the senate in execution, burning the ships, and disabling the elephants. His pretence was the treaty made with Antiochus the Great, in which it had been stipulated that the Syrians should not have above a certain number of ships of war, nor tame any elephants. This despotic manner of proceeding highly exasperated the people; and one Leptines, supposed to be hired by Lysias, assassinated Octavius in the gymnasium.

had lost his life, by any accident, I should have been deeply concerned indeed for the loss my country had sustained; and should have thought that his memory ought to be honoured, not by monuments, but by public mourning. But now can there be any doubt that the embassy killed him? He carried death out along with him, which, had he staid at home, he might have escaped by his own care, by the tenderness of an excellent son and most faithful wife. But when he saw, that if he did not obey your authority, he should be unlike himself; and if he did obey, that the office he had undertaken for his country would put an end to his life; he chose, in so critical a state of the republic, rather to die than seem to decline any service which he could possibly do. In many of the cities through which he passed, he had opportunities of refreshing and reposing himself. His hosts generously offered him every thing that was suitable to the dignity of so great a man, and joined with his colleagues in pressing him to rest, and consult his own life; but, in spite of his distemper, he persevered in the resolution of urging his journey, and hastening to perform the commands of the senate. His arrival greatly disconcerted Antony, because what was declared to him by your orders was settled by the authority and advice of Servius Sulpicius; and he showed how much he hated the senate, when he expressed such insolent joy at the death of so illustrious a senator. Ser. Sulpicius then was as truly killed by Antony, as Octavius was by Leptines; or those I have just now mentioned by the king of the Veientes: for he certainly killed him who was the cause of his death: for which reason, I think, we ought to leave to posterity some monument of the opinion of the senate concerning this war; and this statue will bear witness that it was so important a war, that the death of one who was employed in it as an ambassador had honours paid to it.

If you will but recollect, conscript fathers, how Ser. Sulpicius endeavoured to excuse himself from undertaking the embassy, you must needs be convinced that this honour to him, when dead, is but a necessary amends for the injury done to him when living; for you, conscript fathers (it is a harsh saying, but I must say it), you were the persons who deprived Ser. Sulpicius of life. When you saw that his excuse was grounded, not on a pretended, but on a real indisposition, you were not, indeed, cruel (for nothing can be more compassionate than this order), but as you flattered yourselves that there was nothing which his authority and wisdom could not effect, you overruled his excuse, and obliged him, who always thought your sentiments of the greatest weight, to yield to your remonstrances. And when the consul Pansa joined his exhortation, with a gravity and force of speech which the ears of Ser. Sulpicius had not learned to bear, he then took his son and me aside, and professed that he could not help preferring your authority to his own life. We, through admiration of his virtue, durst not venture to oppose his will. His son was tenderly moved, nor was my concern much less: yet both of us were obliged to give way to the greatness of his mind, and the force of his reasoning: when, to the great joy and with the great applause of you all, he promised that he would do whatever you prescribed, nor would decline the danger of that vote of which he himself had been the proposer. Next morning we saw him set out, eager to execute your orders; we accompanied him part of the way, and the words which he spoke to me at parting seemed a presage of his fate.

Restore life then, conscript fathers, to him, from whom you have taken it away: for the life of the dead is in the memory of the living. Take care that he whom you unwillingly sent to his death

receive an immortality from you. If you decree a statue to him in the rostra, the remembrance of his embassy will remain to all posterity: for the other actions of Ser. Sulpicius's life will have many glorious monuments to perpetuate their memory. His gravity, steadiness, honour, great care, and prudence in defending the state will be for ever celebrated among mankind; nor will his admirable, incredible, and almost divine skill in interpreting the laws,* and explaining them according to the principles of equity, be buried in silence. Though all those who have ever applied themselves to the study of the law in this state were to be brought together into one place, they would not deserve to be compared with Servius Sulpicius. Nor was he less acquainted with the principles of universal equity than he was with the laws of his country. Accordingly, in every point relating to the civil law and the ordinances of the state, he made equity the rule of his decisions, and was always better pleased to put an amicable end to a controversy than to direct a process at law. These things, therefore, do not stand in need of a statue to perpetuate their memory; there remain other more glorious monuments of them, which will bear testimony to the glory of his life; whereas the statue will only testify his honourable death, and be rather a monument of the gratitude of the senate, than of the fame of the man. The piety of the son, too, will contribute not a little to the glory of the father; who, though he is prevented by excessive grief from being present, yet ought you to be as

* The old lawyers tell a remarkable story of the origin of Sulpicius's fame and skill in the law: that going one day to consult Mucius Scævola about some point, he was so dull in apprehending the meaning of Mucius's answer, that after explaining it to him twice or thrice, Mucius could not forbear saying, "It is a shame for a nobleman, and a patrician, and a pleader of causes, to be ignorant of that law which he professes to understand." The reproach stung him to the quick, and made him apply himself to his studies with such industry, that he became the ablest lawyer in Rome, and left behind him about a hundred and eighty books, written by himself, on nice and difficult questions of law.

favourably disposed as if he were. So great, indeed, is his concern, that no one ever grieved more for the death of an only son than he does for that of his father. It likewise concerns the reputation of Servius Sulpicius the son, that he pay all due honours to his father; though Servius Sulpicius could leave no more illustrious monument behind him than a son, the image of his manners, of his virtue, steadiness, piety, and genius; whose grief can be softened by your thus honouring his father, or he is utterly inconsolable.

When I recollect the many conversations which my intimacy with Ser. Sulpicius gave me an opportunity of enjoying, I am persuaded, that if he is sensible of any thing after death, a pedestrian statue in brass, such as Sylla's first statue,* will be more agreeable to him than a gilt equestrian statue; for Servius Sulpicius was a great admirer of the modesty of our ancestors, and condemned the haughty extravagance of the present times. As if I had consulted himself, therefore, on what would be most agreeable to him, as the interpreter of his pleasure, I declare for a pedestrian statue of brass; which honourable monument will alleviate and lessen the sorrow of his fellow-citizens for his loss. And what I say, conscript fathers, must needs be approved of by P. Servilius, who delivered it as his opinion that a sepulchre ought publicly to be decreed to Ser. Sulpicius; but not a statue: for if the death of an ambassador without blood or violence requires no honours, why does he decree the honour of a sepulchre, which may be reckoned the greatest that can be conferred on the dead? But if he grants that to Ser. Sulpicius which was not granted to Cn. Octavius, why does he refuse to the former what was granted to the latter? our ancestors have granted

* Sylla had three statues erected to him in the rostra: the first, according to Pliny, was a pedestrian statue of brass, the other two equestrian.

statues to many; but sepulchres only to a few. Statues perish by violence and the injuries of time; but the sanctity of sepulchres is in the ground itself, which no violence can shake or overthrow. And time, which destroys other things, renders them only the more venerable. Let Sulpicius, therefore, to whom no unmerited honour can be paid, receive this additional honour likewise. Let us show ourselves grateful in honouring the death of the man on whom we can now bestow no other mark of our regard. Let the audaciousness of M. Antony too, who is now waging an impious war against his country, be branded with infamy; for these honours paid to the memory of Ser. Sulpicius will remain an eternal testimony of Antony's having slighted and rejected our embassy.

For which reasons my opinion is,* that "Whereas Ser. Sulpicius Rufus, the son of Quintus, of the Lemonian tribe,† in a critical juncture of the state, when he himself laboured under a dangerous indisposition, preferred the authority of the senate, and the welfare of the state, to his own life; and strove against the violence and obstinacy of his distemper, to reach Antony's camp, whither the senate had sent him; and when he had almost got thither, overcome by the violence of his indisposition, lost his life in the discharge of the most weighty employment of the state; and his death was such as became a life of the strictest integrity and honour; during

* What the majority of the Roman senate approved was drawn up into a decree, which was generally conceived in words prepared and dictated by the first mover of the question, or the principal speaker in favour of it; who, after he had spoken on it what he thought sufficient to recommend it to the senate, used to conclude his speech by summing up his opinion in the form of such a decree as he desired to obtain in consequence of it. Thus Cicero's orations against Antony, which were spoken at different times in the senate, on points of the greatest importance, generally conclude with the form of such a decree as he was recommending on each particular occasion.

† The Lemonian tribe was so called from a village of that name, near the Porta Capena, in the Latin road.

which Ser. Sulpicius was often of great service to his country, both in a private and a public capacity: whereas so great a man died for the sake of the state in the discharge of his embassy, the senate is pleased to decree that a pedestrian statue of brass should be erected to him in the rostra, with an area of five feet on all sides of it, for his children and posterity to see the shows of gladiators, and with this inscription on the base of the statue, 'That he died in the service of the republic.'" It is further decreed by the senate, that C. Pansa, and A. Hirtius, the consuls, shall either, or both of them, if they think proper, give orders to the city questors to agree for this base and statue, to see that it be erected in the rostra, and to pay the contractor whatever sum thev agree for. And whereas the senate has heretofore displayed its dignity in the funerals of brave men, it is likewise decreed that his funeral obsequies be celebrated with the utmost magnificence. And whereas Ser. Sulpicius Rufus, the son of Quintus, of the Lemonian tribe, has done so many important services to his country that he deserves all manner of honours, the senate decrees, and thinks it for the honour of the state, that the curule ediles expend on the funeral of Sulpicius, what is appointed by the edicts relating to public funerals; and that the consul C. Pansa assign him a place of burial in the Esquiline field, or any other place that shall be thought proper, with an area of thirty feet every way, to be granted publicly, according to the forms of law, as a sepulchre for him, his children, and posterity.

END OF VOL. II.

[illegible]

[illegible]